

Ticket to Work Operations Support Manager
Moderator: Sabra Gardner
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Sabra Gardner Hello everyone and welcome to the first Section 503 Community and Practice call. I hope you are as enthused as I am about this series of peer-to-peer discussion forums that are going to be (EN) led over the next six months.

My name is (Sabra Gardner) and I'm the project director for the operation support manager contract for the sole security ticket to work program and I wanted to welcome you.

The slides that are visible for you, as a reminder, the community of practice forums are kicking off today and will continue on the first Wednesday of the month at 3:00 pm Eastern Time April through September.

Recently the Social Security Administration concluded a Section 503 EN Readiness Training series. And the OSM conducted a 503 knowledge self-assessment survey. I'm happy to report that 186 ENs responded to that self-assessment survey and thank you to those that did respond.

While the knowledge gains about Section 503 Affirmative Hiring Responsibilities were evident in the responses, a large number of EN respondents, 89 to be exact, said that they hadn't yet translated what they had learned, into a plan of action to facilitate targeted referrals of beneficiary job seekers to federal contractor employers.

The six CoPs, as we’re calling them, community practice forums, are being convened to create a learning forum to support your ability to translate Section 503 knowledge into a plan of action and to then actually go take action.

So peers are being encouraged to collectively share their expertise and insights to discuss past experiences and provide helpful tips to each other, to prepare the ticket to work national service provider network to better assist beneficiaries to take advantage of the changes to Section 503.

The timing certainly couldn’t be better for a knowledge- to- practice discussion forum because the regulatory changes, as I’m sure you all know, took effect last week, March 24th.

We are aiming for a dynamic and interactive learning environment where ENs and state VR agencies can share and expand their 503 knowledge and understanding and identify and discuss potential barriers to full implementation.

The goal is to take emerging knowledge and information from past experiences and use it as we identify viable strategies for screening and preparing our ticket holders to seek employment with federal contractors and subcontractors and for identifying and approaching federal contractors and subcontractors about hiring beneficiaries with disabilities.

Your input, your questions, your comments, your thoughts, that’s what’s needed to make these forum events meaningful. All suggestions and comments are welcome.

These forums are being designed to promote peer mentoring among ENs and state VR agencies to gather information on promising and effective practices in management, service provisions, customer service and working with federal contractors and subcontractors.

OSM staff are taking notes and if you have a particularly good idea or suggestion you just may get a follow up call. We will however, ask you to stay on topic with today’s discussion which is focused on self-identification.

If we start to veer in our discussion from this topic, we’ll ask that we put those thoughts, questions or concerns into a parking lot. OSM staff will capture the parking lot input and then we’ll work with future presenters to make sure that we cover all of the discussion needs.

All of that said, OSM is extremely pleased to welcome Susan Webb from Able Employment Services in Arizona, back to facilitate our first 503 Community Practice discussion on self-identification. Susan has been a tremendous resource on the 503 EN readiness journey.

She’s an EN representative on the Section 503 tiger team convened last fall by Bob Williams, has served as a trainer on the Section 503 rules during the January all EN call. Susan is the President of the National Employment Network Association, better known as NENA.

Susan, thank you so much for your willingness to yet again, share your thoughts and expertise as you lead the discussion today on the requirement for federal contractors and subcontractors, to ask applicants and employees to voluntarily self-identify as individuals with disabilities. Take it away Susan.

Susan Webb Thank you Sabra. Hi everybody. We’ve got quite a few people on here which is good to see. Today’s topic is self-identification and we’re going to talk about the questions, how are employment networks preparing our ticket users for self-identification during the application and hiring process?

What are ENs doing to prepare our working ticket users for self-identification inquiries made by employers to their employees? And how do we think ticket users will respond to pre and post hire self-identification inquiries? We don't really know that yet. This is new.

So we have to kind of figure out what we expect might be some of their concerns. Next slide please. Before we get started I want to give a brief background review on Section 503, to make sure that everybody is on the same page.

Section 503 of the Rehab Act, prohibits federal contractors and subcontractors from discriminating in employment, against individuals with disabilities.

And it does require those employers to take Affirmative Action to recruit, hire, train, promote and retain qualified individuals with disabilities. Next slide please. The revisions to the 503 rule strengthen these Affirmative Action requirements.

While the general Affirmative Action requirements apply to all federal contractors and subcontractors who have \$10,000 or more in contract award, these are - there are specific Affirmative Action provisions and enhanced expectations that apply to federal contractors and subcontractors who have \$50,000 in contracts and more than 50 employees.

So for example, larger contractors are required to prepare and maintain Affirmative Action program that includes among other things, undertaking appropriate outreach and positive recruitment activities which are reasonably designed to effectively recruit qualified people with disabilities.

And we're going to talk about that a little bit more in just a few minutes. Likewise, larger contractors are expected to aspire toward a utilization goal now, for qualified individuals with disabilities in every job category of the contractor's workforce.

So generally what that means, is the Office for Federal Contract Compliance Programs or OFCCP is expecting larger federal contractors and subcontractors to work toward a goal of having individuals with disabilities make up 7% of their entire workforce, not just those employees that are working under federal contract.

So what that means, is that for example, in our own operations, our EN has a federal contract with the Social Security Administration and maybe the rest of our organization is funded with other funds that are not federal. But they are required to follow the 7% also.

So it's not just the federally contracted portion of your organization or any organization.

And although it's not required, federal contractors with \$100,000 or more in awards, after 2003, are encouraged to post their job openings with employment service delivery such as ENs, American job centers, formerly known as one stops and the state book rehab agencies.

This is pretty exciting. Many of them are used to that. No more linkage agreements are required. But they're certainly encouraged to do it. And quite frankly, it would be to their advantage to do it.

So everybody is expecting a significant increase in employment opportunities available now, as these larger contractors work to come into compliance with that 7% goal over the next few years. Next slide please. This is some really exciting stuff right here.

I am so glad that SSA put this together. Some of the statistics will give you an appreciation of the incredible opportunities we have ahead of us for our ticket users.

Of over 155 million people in the US workforce as of August 2013, about 22% of those or an estimated 34 million, were employed by over 200,000 federal contractors and subcontractor companies. We’ve got a lot of work cut out for us. This is so exciting.

Nearly \$500 billion in taxpayer dollars are awarded to these more than 200,000 federal contractors each year, to provide supplies and services or to perform construction work for our government.

To meet that goal of 7% that was established in these new rules, the US Department of Labor estimates that federal contractors need to hire close to 600,000 individuals with disabilities in the next few years. That’s got to excite even California. That’s a lot of people and a lot of opportunities.

Next slide please. Now the 503 rules require employers to use a specific form to invite applicants pre and post offer, as well as their existing employees to identify as having a disability, to identify as having a disability, not what it is.

Contractors may not deviate from the language on this form. Now we were excited that this was the case because it meant that all contractors would be using the same language and processing this stuff in the same way. But now we’re not so sure.

We have some concerns about this form. But this is the form we’re going to use right now. But I think one of the big issues is why are they now allowed or required to ask people before hire, pre-employment, when they - when the ADA seems to prohibit that?

The EEOC issued a formal opinion that this does not violate the ADA. But let me explain to you why this is in here. According to the preamble to the rule, they explain

why the pre-offer is so important. We worry about that in terms of discrimination of course.

But we also know over the years, that employers have said over and over again, I want to hire people with disabilities. They're not applying for the jobs. And up until now there was never any way of determining why that's the case.

Because there was nothing - no data as to what employers were doing or not doing to attract disability - disabled candidates. And so we had the linkage agreement requirements but that's obviously not enough. Now ENs are written into the picture.

So we represent another new resource for them. But now that we're going to have this data and they have to not only do the pre-offer inquiry but also retain the data on that and report it and monitor it and analyze it to see what it is that they might be able to do better to attract candidates in the future.

So this is going to be information that's going to be really useful to all of us. So now, let's walk through the form. You'll see here that the first section, next slide please, is a blurb about why you are being asked to complete this form.

And it says here that it - it explains to the applicant about what the reason is that they're required to do this by the federal government and that it is voluntary that they fill it out.

This form covers not only pre-offer and post offer but also is the same form that contractors will use for their existing employees as they put out an invitation to self-identify to their existing workforce. Next slide please.

One of the issues of course is how do I know if I have a disability? And so what they've done here is they've listed a - quite a few different categories. And they say here disabilities include but are not limited to.

In the first section or sentence there, they say that you must have a physical or mental impairment or medical condition that substantially limits a major life activity or if you have a history or record of an impairment or medical condition.

We're all familiar with that language. We all know what means. But what they attempted to do here was to list some of them to kind of give a little bit more information about what might be entailed. But of course this leaves out a lot. So there's always that problem.

So again, some organizations believe that this could be better worded but for right now, it's going to be consistently applied and it is better than what we've had in the past. Now this also is where they check whether they have a disability or previously had one.

No. They don't have a disability or they don't wish to answer. The don't wish to answer is important because in the past we've seen federal contractors who just offer a yes or no option and in some cases if it's an online app they don't let you go any further.

So now you've got this other new option and we think that this is also going to provide a lot more flexibility for applicants and existing employees. Next slide please. Now the rules say, excuse me, the rules say that they must also give notice of the right to a reasonable accommodation.

And this is the language that's being used. Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. So please tell us if you require an accommodation to apply for or perform your job.

And then it gives some examples of what those might be. Now it doesn't give here anywhere, that you could ask for that accommodation. So that part also is something that probably could be an issue for our ticket users. So that's, by virtue of that, we have that background on what the form includes.

So what I want to do now is I want to open the phones. (Mark), if you're there, go ahead and give the instructions about how people can raise their hands. Because this is a forum as (Sabra) told you.

It's a way for us to talk about what we're doing, what we should be doing, what we want to do, questions that we might have about how things are going to rollout and such.

So this is our turn to discuss among ourselves, the ENs and VR agencies, what are we going to do about these new self-ID requirements? How are we going to make those positive? How are we going to prepare our ticket users to effectively participate?

Discussion period

Dean Vincent I just had a question regarding the form and the disclosure recommendation of accommodation. Companies need to be able to provide reasonable accommodations without hardship and that kind of thing. I'm with a VR agency and work with individuals that are job-ready. So we need to be sure when working with the individuals that they are qualified for the position and if there's accommodation needed they need to know what that is or we need to be able to provide the solution to the employer. Not having that as a disclosure at the front end when you are just

disclosing some sort of disability and some sort of accommodation, it seems like that piece is missing from the form.

Susan Webb You are right, and of course with VR you typically serve people with more significant disabilities that are more likely to need a reasonable accommodation. This is one of the questions we need to ask OFCCP. We don't know if we can add to the form but we cannot detract from it. In preparing our ticket users to participate in this program, we really need to be careful about advising them to that effect and making sure that they understand that if you do need an accommodation you are not going to request it on this form, there has to be some other way to do it.

There is some concern in the - expressed in the preamble in comments that came from contractors - that they were afraid that the reasonable accommodation section would set them up for a complaint against them for discrimination because they have to use this form.

So that too is something that we need to be thinking about in making contractors feel more comfortable and understand that we're doing our part too, of making sure that people understand what the purpose of this particular form is.

And that it may in fact not be something pre-offer, other than needing it to apply for the job which is specifically what it says here. It says if you need an accommodation to apply for a job. But then also pre and post -hire, an accommodation to perform your job, which is where it gets kind of confusing.

Because if you're an applicant, I don't know yet if I need one to perform my job. They don't understand that this form is for both applicants and existing employees. So that's a little bit of a confusion there that I think we're going to have to prepare people to understand.

Judy Sanderson I just had a thought while listening to this. Is there any concern with federal contractors possibly viewing ENs, VRs and One-Stops, as partners? We would want that but if they see us as partners then they also could almost rightfully expect that we are going to go out of our way to make sure that they get information about people with disabilities that they may want to hire, yet we could also on the other hand be in a position of needing to support somebody who really does not want to disclose. We could be in an awkward situation in some cases and I did not know if any thought has been given to that. I think it's going to be something we're going to have to be aware of. I mean we are - my agency's an independent living center. I know yours is too. And of course we have the requirement of at least 51% of our employees need to be someone with a disability.

And even - there are times that we struggle to encourage people to disclose. And even in our situation they don't always want to.

Susan Webb I sure have thought about it. In accordance with that, during the first training we did, one EN brought up something interesting that I had not thought of, and we don't have it answered yet. I do think it's on our radar screen to get an answer from OFCCP on what you're supposed to do about people who identify as having a disability and don't really have one. There is language specifically in the regulation that says employers may not coerce or compel their employees or applicants to self-identify. So our thought process at NENA is for example a gas card to fill out the form isn't going to get you anything, it's coercive and compelling. So that question came up because that means with an employer there will be, some false positives. It's kind of the other issue. Either you don't want to identify or some people identify that do not even have a disability. The rule itself does address this and while not perfect, it says this is what we have and it's better than what we've had in the past because in the past we haven't had anything.

I think part of it is making sure that we understand so that we can tell them what the process is and how the confidentiality is maintained so that they can feel comfortable that if they do disclose that they have a disability, not disclosing what it is but just that they have one, that that will in fact be kept separate.

Judy Sanderson It's something - I don't have a good answer other than I spent a lot of time talking to the individual I'm working with and I make it clear to them that if I'm going to be an intermediary so to speak, with the employer, then that cat's going to be out of the bag.

And so there are times with some of the people I deal with that I end up staying in the background for that very reason. I'm the support in the background. I help them figure out how to say things and do things and how to apply on their own.

But the employer may never meet me because the person has chosen to not disclose.

Susan Webb In a lot of cases you do have employers contacting you directly saying, I need some people. And they may specifically be asking for people with disabilities. Because now they're going to have this 7% utilization goal. They're going to be looking for people.

So it's not like they're looking to discriminate. They're looking to not discriminate. So... we do have a dichotomy here. I agree with you.

Some people will believe it, some won't. But you are right. By virtue of us just referring people in and of itself, we kind of tip their hand don't we. But, you know, we do that now. How do you deal with that right now? When you refer somebody to an employer and they know who you are, they know that the person you're referring is a person with a disability. How do you deal with that now?

Cara Lee If somebody chooses not to self-identify and they go into the workplace and ask for that accommodation after they have been hired, is that going to become a problem for employers? They may interpret this law as they have a right to be told up front when really, I would like this to remain the choice of the individual job applicant.

Susan Webb It always is the choice of the individual job applicant for sure, but one thing we might want to think about is that there is a requirement that they ask pre-offer and post-offer. Therefore, that same applicant may get two of these invitations. They may choose not to disclose at the pre-offer stage and at the post-offer stage they may choose to identify as having a disability at that time. I think there is a protection there for that.

Carolee Murano I wanted to add a comment that I saw linked in a group for the campaign for disability employment. Somebody posted there, what do people think about the following question being on a job application, “Can you perform the essential functions of your job with or without an accommodation?” I love that question. Because if you say yes, it doesn’t tell whether you have a disability or not, it just means I can do my job with or without an accommodation. If you say no, you are not qualified for the job anyway.

Susan Webb Well that of course is a question right basically, out of the ADA. That’s what the definition of having a work disability is under Title I, exactly that same language.

Do you have a disability or have a history of a disability that allows you to perform the essential functions of the job with or without a reasonable accommodation. So a lot of people see that and say, what is an essential function?

And so now we’ve got all of these years under our belt of the ADA language. And now the ADA Amendments Act behind us, to get us in the right frame of mind in putting those kinds of job descriptions together as to what are the essential job tasks.

So employers have had a lot of years to figure that out, and we still see job applications that you kind of question some of the stuff that's on it. But the essential functions of course are with or without a reasonable accommodation. Some people would say, well what does “without” mean?

If you have a disability and they want you to use an accommodation that you don't want to use, then you don't have to use it. So that's why it says “without” as well. It would be nice to re-phrase the question to not include the word disability, but for right now that's not what this form says, and we're kind of stuck working with it right now. If it is a problem, thank goodness that they have their ticket with us because we can help.

Carolee Murano But what I'm saying is you don't even have to put the word “disability in that question. Just “can you perform”? We are not asking you if you have a disability or not because that's irrelevant. What we want to know about you is, are you a person who can do the essential functions of your job with or without an accommodation. And if you say yes, you might have a disability or you might not, and then you don't have to disclose at all. It's not about the disability anymore. It's about whether you can perform your job.

Dee Isir I just wanted to chime in on the Ticket Holders and working with the employers out there, asking questions about hiring the individuals with disabilities.

What I've done well with is communicating with them, finding out exactly what the job entails before the individual goes for the interview. Yes, they know the individual has a disability. But knowing what the job entails, making sure that they're doing exactly what the job requires.

And I personally go there and go through the whole scenario of what's expected of them. And I take the individual there and actually show them and then ask “do you feel like you can do the job?” I go through the whole thing. And they feel comfortable as well as the employer.

Susan Webb At what point in the process do you do that though? You don't do that pre-offer do you? Because most employers aren't going to really let you do it.

Dee Isir Believe it or not, it's before they're offered a position.
I'm actually - EN - we're in the process of going through the suitability right now and I'm fairly new to this.

We are learning about the individuals and finding what works and how to get individuals in jobs that really work best for them and the employers. It is a team effort of community networking, and working with the individuals and trying to place them in the right job.

Susan Webb Well I think the landscape is going to change a little bit now with the 503 rules because of the self-disclosure thing. You know, employers are going to need to know because now it's a matter of fulfilling their obligations for a utilization goal.

But by the same token, they're required to handle this in such a way that the disability does not go beyond this process, that it is kept separate and confidential. So the idea of identifying a disability is really quite separate from a reasonable accommodation request.

And we do know under the Ticket program that most of our ticket users don't need accommodations. They're a job applicant like any other. And just as Judy said earlier, we do the same thing. I mean usually, in my EN, we're not involved at all with that process.

We help them through the process of applying and giving them the job leads. But their interface with the employer is entirely their own.

But that's not always the case. And under this rule it kind of changes the landscape a little bit. It kind of turns that upside down. So it's almost this dichotomy of we're used to telling people no, don't disclose because as was pointed out earlier, it's irrelevant.

Judy pointed that out. It's irrelevant. The point is can you do the job, yes or no? And, if you can't do the job, with an accommodation as needed, then it's probably not the job for you. But most of the time it's not needed with the Ticket users.

So we're now kind of turning that upside down and saying we told you not to identify because it's irrelevant. But now it's relevant because the employer has to have it for statistical purposes.

I think in most cases like you're talking about, I don't know, I mean you might have a different kind of operation. But I think most ENs may do that occasionally. But generally it's probably something that we don't run into a lot. But if you do...

Dee Isir We work with job-seekers occasionally from a workshop that we have here. And we take the individuals who are ready to go outside of that setting and work. So...

Susan Webb That's unusual. That - I mean - I shouldn't say it's unusual. It's not unusual as far as a type of service. Certainly, not. But in the Ticket program that's a little less common than the other way around.

But if it is necessary that's an accommodation issue, not necessarily an identification one. Do you know what I'm saying?

Dee Isir Yes.

Susan Webb It's kind of two different things. But both are on the form which is what to me makes it somewhat problematic, quite honestly.

Dee Isir I mean this is exciting because there's going to be more people with disabilities getting hired out there. And I was really surprised to hear about Lowe's. I did not know they were a federal contractor.

Susan Webb You'd be surprised. All the hotels are because they offer government rates. We are going to give you some resources at the end of the call today, as to where you can find out who federal contractors are.
So that'll be here. In just a few minutes we'll post that for you. And then of course, this will all be posted on the Web site anyway, after the fact. So you can go back and review things.

Web Chat If this information is collected pre-hire must it be visible to the hiring individual? In the past, this was protected HIPAA information.

Susan Webb I think we have an issue concerning how the application process is done. There is a requirement that they keep the disclosures separate from the application itself. How do you do that if in fact it's the hiring manager doing the interview? If you have an HR person doing the interview it's very easy, but if it's the hiring manager that might not be the case. I have had this conversation with my own agency as we have to have maintain 7% of employees with disabilities now. At my agency, we interview everybody pre-hire and we will need to ask them this question. What we're going to do in the future is have them fill out the form and be able to seal it in an envelope so that the only person who sees it is the affirmative action officer. That's the way we're going to handle it. Therefore, even if it

goes to a second or third interview where the hiring manager is involved the request has already been made and the identification has already been made or not. In addition and there will be a control number where each person will be asked to identify but it won't have their name on it. So we're taking steps to do that so that we can, in fact, have a hiring manager involved in the process of doing the hiring but still protect that confidentiality.

Web chat If a contractor gives the form to their current employee to complete and someone answers, “I prefer not to answer”, is it possible that they would be considered a yes answer and have that go towards their 7% count?

Susan Webb The answer to that is absolutely not. The only exception to that is in the preamble, it's not in the rule.

The preamble to this rule is really interesting because there's a lot of “should” instead of “shalls” where OFCCP is saying it's not really required, but this is the best practice that we recommend.

And one of the things that employers are allowed to do now with other protected classes is that they can observe and they can claim that person qualifies as meeting their Affirmative Action obligation if they observe a certain characteristic.

So even if a person says no, I don't have a disability, if they come in and they're using a wheelchair, or they obviously have hearing aids or whatever the visible thing is that they have a disability, then that contractor can use that visual ID or some form of personal identification as meeting the requirement -- even if the person said no, I don't have a disability or I choose not to answer.

So that was kind of interesting. And the justification they gave for that process is because they have been allowed to do it over the years in terms of race and gender.

And so they've determined that if the employer can observe race and gender and claim it that way, a disability shouldn't be treated any differently. And so, you've got kind of a good argument.

Web chat So being on SSI or SSDI is not the governing criteria determining a disability?

Susan Webb The definition is much, much broader than the definition social security uses to determine eligibility for supplemental security income/social security disability insurance. There can be many iterations to disabilities, which is why the form asks, do you have a physical or mental impairment, or medical condition that substantially limits a major life activity or a history of having such impairment.

Sallie Rhodes The definition is much, much broader than the definition of Social Security to determine eligibility for supplemental security income, Social Security Disability Insurance, much broader. Wouldn't you agree? It's actually the ADA definition. Isn't it Susan?

Susan Webb I agree. And, you know, that was one thing that NENA suggested for this form. We don't like laundry lists of types of disability. Let me look at the laundry list here. For example, you've got somebody on here with major depression. What does "major" mean?

You've got somebody on here with muscular dystrophy. It's a good one. There are so many different iterations of muscular dystrophy that a person might have MD and be able to function just fine on this particular job, and another person might not.

So just having muscular dystrophy in and of itself, is that a criteria for having a disability? It really is the ADA definition. Does it significantly limit one or more of life's

major activities? That’s the definition in the ADA. And that, to me, is what should be the guiding factor.

And that’s why they say on this form, you know, physical or mental impairment or medical condition that substantially limits a major life activity or a history of having such impairment.

That’s language right out of the ADA and strengthened by the ADA Amendments Act. So that is the definition and then they added this other stuff on here.

And NENA did write to the Assistant Secretary that we really felt that putting the labels on here, did not help. We know we’re not alone in that feeling. There are other organizations that have suggested amendments to this as well.

So we’ll see what they do with it. And then Bobby Silverstein did a workshop for the Job Accommodation Network. And he pointed out that it does say “but not limited to” And he’s right. But is that understood by applicants in general? We don’t know.

You can’t speak down to them but you can’t just say either, that well gee whiz, I have muscular dystrophy so therefore. . . . And some people may look at it and say I have muscular dystrophy, but I don’t have a disability.

It’s really pretty subjective when you start using labels instead of functional definitions.

Dean Vincent In our agency here in Colorado we’ve been getting prepped for the 503. We have our marketing branch of our VR going out there to educate people.

I may have missed this, but with VR we have you have to have a documented disability for services. So this is a self-report. Are employers going to require any documentation to verify a disability?

Susan Webb No. They cannot. It's all self-reporting. And, you know, it's like that for other protected groups too. Somebody can claim a particular ethnicity. How do you prove it?

Dean Vincent That's an interesting perspective.

Susan Webb Well it is. And I'm glad that you brought it up. You're going to have people saying they have a disability thinking they're going to get some kind of special treatment, when in fact they may not have a disability. So that is an issue.

And we're just going to have to watch for that and see where it goes.

Dean Vincent So are employers buffing the numbers? I don't know.

Susan Webb Well that's always been the case though. They've always had that option. You've got one particular applicant who is a woman from a certain ethnicity who has a disability. That's three for one person.

Dean Vincent That's three checkboxes?

Susan Webb Let's look at it as this. You know what? This gives us a new option and a great opportunity. And let's not look for the bad stuff. Let's just plunge forward with the good stuff. That's kind of where I think I want to go with it anyway. And it sounds like you guys re doing a good job of getting ready for it too. So good for you! Thanks!

Margo Scobel This might be a little out of order but I’m a little confused on a question. Why is the accommodation request shown on this form? I realize that the form is actually just a notice. But it does say please tell us if you require accommodation.

But it does not give any real information about how to do that or who to contact. And how can that possibly work on an online situation? Doesn’t the setup of false expectations that an applicant will get a response when the form is supposed to be separate and kept in a so-called data file?

We’re an American Job Center and we have everything in separate files. And how should we guide our ticket user on this? I know it’s a big question.

Susan Webb Well it is a huge question. And I think I said earlier, I don’t have an answer for that because as we know, most applications today are online. And they’ve got to use this form. This has got to be the form.

Margo Scobel And, I know you answered it earlier but just a little follow up or a little more depth...

Susan Webb You do bring up a lot of good points. And I’m hoping that some others on the call may have some - something to add to that as to what they think can be done, who are really familiar with how they set up these online applications.

I mean we all know what’s on them and we’ve all seen them and we’ve all tried to apply using them but now this form is here. It’s not just a one simple question on an application. Now it’s this form. So I don’t know how that’s going to work.

And you know what, that’s something that put that on the parking lot in terms of asking OFCCP to give us some guidance on that. I think that would be really good.

Thank you Margo. That was good. And I really think it's a huge issue. The other thing - I just want to point out one other thing about this particular notice. It does say "notice" but you made a point that's correct. It says tell us if you need an accommodation to apply for a job or perform your job. And at the bottom of the form it does ask you for your name and your, what does it have on here, your name and something else, your name and today's date.

So it does ask you your name. It's kept separate, however they do it online, at least we can educate our Ticket users to know that if the contractor is doing it right, that this is just for statistical purposes and that they are going to keep it separate.

Except, if you need a reasonable accommodation, how does that work and still protect your identify. Do you know what I'm saying?

And then the other thing is that there is a requirement in the rule that the contractor appoint a specific person and publish the information about who that person is for implementing its Affirmative Action program.

And the rule specifically says and I do have it here, it says that they have to put it on all of their internal and external documents. Well isn't this an internal or external document and yet they don't put it here. And this is the form that they have to use.

So employers have to use this form but it doesn't have a place for them to put it on there, as to who the contact person is. And then it is in the appendix that they have, remember I said they've got a lot of guidance material, and that is outside the actual rule.

There's an Appendix B that says developing reasonable accommodation procedures. And there it says the responsible official should be included in the

reasonable accommodation procedures and should be updated when changes occur.

So they're saying that it should be there but it isn't. And they can't deviate from the form, or can they? Can they add to this form? We know they can't take away from it but can they add that to it? So that's a question that we need to pose to OFCCP.

Margo Scobel Absolutely. There is a dilemma there. Thank you.

Susan Webb You know, I don't have an answer. But we need to get one. I think this is a real important issue. Thanks Margo. I appreciate it. You're always a good thinker. Okay. We're coming to the end of our time. Did we have another - I think we've got time for maybe another comment or question before we wrap this up.

Steve Stuart I just had a couple of comments on what you were talking about. And I think the one question regarding the SSI SSDI qualifying, I think we've got kind of a presumptive eligibility thing that we use if they are on benefits and they're assumed eligible for VR services. So I don't know if that helps.

Susan Webb Right.

Steve Stuart And then the other question about asking for medical information to verify the disability. I think if the ADA does say you can do that if they've requested an accommodation.

You know, if they request something - I need this, that and you can ask for medical documentation to justify that.

Susan Webb Post offer and when they need a reasonable accommodation. Yes. And, if it's job related. So it has to be job related too.

Steve Stuart Yeah. That’s all I had for comment.

Susan Webb but on this particular form, it’s specifically forbidden for them to look at any medical documentation or require any. As part of their actual affirmative action tracking if you will. That’s why, this is so tough. Because the reasonable accommodation thing is on this form and it probably shouldn’t be. It should be separate. It’s a different issue a statistical issue. It’s not an issue of affirmative action directly really. So it is but it isn’t. Do you know what I’m saying? It’s so different. And they put them both on the same form. That to me is a problem. And again, that’s one that NENA and some others have asked.

I need to be careful that I don’t implicate SSA in this because this is an SSA sponsored call. So I just want to make sure that you understand that some of the concerns that have been raised are not SSA’s. It’s coming from other organizations outside.

But there have been many people that have expressed these concerns. You know, this is a better thing than we had before, because we had nothing. So in that regard, you’ve got to look at this and say this is pretty good.

This is definitely a step forward. But it needs some work and we hope that our comments that we’ve submitted and the questions we’re going to get clarification on, I hope, will clear some of this for us and also for contractors.

Sallie Rhodes Susan this is Sallie. I want to ask a question off the chat and answer it.
“Wouldn’t it be helpful to have these webinars for actual federal contractors to educate them, as part of the question?”

OFCCP is having some webinars and trainings on Section 503; in fact SSA and OSM are working with OFCCP to set up two different national webinars for federal contractors. One would highlight a panel of two or three ENs and one would highlight some VR people.

So we are working with OFCCP to try and get the word down to the federal contractors. And I think Susan would be one of the first ones to say that sessions that you sit in on aren't really talking about employment networks right now. So we're trying to elevate that and to bring it to federal contractors' attention. But on the local level you too need to identify federal contractors and approach them. And I want to point out the last slide that has information about where to learn more information.

There were a couple of questions about where to find federal contractors. Again, we have a lot of information on our Section 503 page and the information center on the Your Ticket to Work Web site, about how to find federal contractors, how to use some of the databases and we keep adding to it.

So Susan, any closing remarks from you?

Susan Webb I just want to give one technical thing on this having to do with finding the resources. It tells you on here where to go on the Web site. But I found that if I use Microsoft Explorer and not Chrome on the Your Ticket to Work Website, when I go there the navigation bar on the left side where it says information center, doesn't appear. So you might want to use Google Chrome to access it and then you'll be able to find the information. And Sallie, you're right. I went and looked at all this stuff and you keep adding more and more to it. There's a lot of great stuff there. ...

Sallie Rhodes I know about the not seeing the left navigation. You can run your cursor over it as if you were going to block and copy and the left navigation will show up. So if you don't

see a left navigation, pretend like you're going to block and copy that area of the Web site and you'll see what's written there.

Sallie

Susan, thank you so much. This has been wonderful. I hope everybody has learned a lot. There are many unanswered questions. We will continue to forward questions to OFCCP. And we invite you to join us next month for our next call and information will go out on that.

And thank you everybody for joining us. Thanks Susan.