**WorkforceGPS**

**Transcript of Webinar**

**New Self-Identification Disability Requirements for Apprenticeship Programs**

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JON VEHLOW: Welcome to "New Self-Identification Disability Requirements and Apprenticeship Programs." Without further ado, I'd like to turn things over to our moderator today, Natalie Linton, program analyst, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor. Natalie?

NATALIE LINTON: That was a mouthful. Thank you, Jon. Hello, everyone. And welcome to today's webinar on inviting apprenticeships to, and applicants, to self-identify as having a disability. As Jon said, I will be your moderator for today's training.

Our two presenters today are Zach Boren, the division chief in the Office of Apprenticeship, and Debra Carr, director of policy in the Office of Federal Contract Compliance Programs. We also have a number of other people on hand today and I want to introduce them. We have from the civil rights legal management office Kier Bickerstaffe, Jen Fry and Ms. Robyn Stigers (ph). From the Office of Disability Carolyn Jones. And you all know our Donna Lenhoff, formerly of DOL, now with INS and our EEO guru.

So this afternoon, we plan to cover several topics. First, we want to provide an overview of the phase-in schedule for the EEO regulations that went into effect in January of 2017. We will explain the concept, process and details of the invitation to self-identify as having a disability. We'll also hear from another federal agency, which has had this process in place for a period of time.

And finally, we have set aside some time to hear from you, your questions, concerns and thoughts on the self-identification process. Some of the sponsors joining us today are federal contractors and may be able to talk about experiences with the self-identification process and offer tips to sponsors that will be implemented in the process soon.

Next slide. So as some background, the 2016 Equal Employment Opportunity or EEO regulations are being phased in over time. Currently, they apply only to registered apprenticeship sponsors who are registered with the Office of Apprenticeship. Sponsors registered with state apprenticeship agencies will also implement the provisions of the regulations once their states' EEO plans have been approved by the Office of Apprenticeship.

The initial group of non-discrimination provisions that went into effect in January 2017. These included non-discriminatory selection procedures, record keeping requirements, complaint procedures, and the prohibition of intimidation and retaliation against apprentices involved with complaints of discrimination. Last summer, the second set of regulatory requirements went into effect.

These included providing protection from discrimination to four new bases, one of which is individuals living with disabilities, assigning responsibility for EEO to one or more staff in the organization, disseminating EEO policy, expanding outreach and recruitment and implementing anti-harassment measures, including training for all apprentices, their supervisors and journey workers who regularly work with apprentices.

Next slide. The remainder of the provisions in the EEO regulations phase in on January 18, 2019, which is only a few months away. While there are several provisions that we will cover in upcoming training sessions, today we plan to focus on the final requirement listed on the slide. Sponsors begin inviting apprentices, apprenticeship applicants and apprentices, to self-identify as having a disability. We are addressing this topic now so that sponsors have time to start implementing this requirement, which they must do by January of 2019.

In this session, we will cover the key questions and issues involved with inviting applicants and apprentices to voluntarily disclose whether or not they have a disability. Some of these questions are which sponsors are covered? Why gather this information? What is the process for gathering this information? The voluntary disability disclosure form. When do sponsors offer the invitation to self-identify? And what do sponsors do with the forms and the data? After that, we will hear from our colleagues in the Office of Federal Contract Compliance Programs on that federal office's experiences with implementing disability self-identification.

Now, I'll turn the presentation over to Zach Boren, who will discuss the key elements.

ZACHARY BOREN: Thanks, Natalie. The invitation for disability self-identification applies only to sponsors that are required to develop affirmative action plans. These are registered apprenticeship sponsors that both have five or more apprentices and do not already provide the use of affirmative action goals under other specified laws.

The other specified laws include Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination in all federally-funded programs, Executive Order 11246, which forbids the employment discrimination by all government contractors and subcontractors, and

Section 503 of the Rehabilitation Act, which prohibits employment discrimination specifically on the basis of disability by federal contractors and subcontractors.

Note that apprenticeship programs that are in compliance with Section 503 of the Rehabilitation Act, or if they are federal contractors or subcontractors with existing affirmative action plans that include people with disabilities under the other laws, are already doing what they need to do for the self-identification invitation requirement.

Apprenticeship sponsors have long been required to conduct workforce analyses on the bases of race, sex and ethnicity. The 2016 EEO regulations added an analysis of the disability composition of apprenticeship workforces. And you can't measure what you don't know. So for the first time, apprenticeship programs will be required to invite current apprentices and applicants for apprenticeship to voluntarily indicate whether or not they have a disability.

The EEO regulations also set a national aspirational goal that seven percent of each major occupation group within an apprenticeship workforces be comprised of individuals with disabilities. This is merely a goal and not a requirement for individual programs to meet. The goal sets the stage to increase the rate of qualified individuals with disabilities in apprenticeships.

So let's talk a little about the process for inviting apprentices and applicants for apprenticeship to self-identify if they have a disability. First, it is just an invitation. Apprentices and applicants are not required to furnish this information. It's completely voluntary. There is even a place on the form for individuals to indicate that they don't wish to answer.

And the form only asks whether or not the individual has a disability, not what type of disability they have. And sponsors should accept the identification provided by the individual without seeking to further verify the nature of the individual's disability. But it's in sponsors' best interest to have as many apprentices and applicants provide this information as possible, so sponsors will have the data to know the disability composition of their workforce.

Also, all sponsors will gather this information using a standard form. The form, which you'll see on the next slide, does not have the individual type of disability they have, just whether or not they have one. So here's the form. This is the top of form ETA 671 Section 11 that all sponsors will use to invite applicants and apprentices to disclose a disability. We will provide the form on our EEO website as we get closer to the January 2019 deadline. You're not required to fill out this form now.

As you can see, individuals do not indicate the nature of their disability on the form. The form also clearly states that disclosure is voluntary and that individuals have the opportunity to not answer the question. Additional sections of the form explain why the information is requested, to help measure the inclusion of qualified individuals with disabilities in the apprenticeship programs, and to provide the definition of a disability and some examples of some disabilities as you will see on the next slide.

This is a facsimile of the second half of the voluntary disability disclosure form. The definition of disability is used in the regulations is blindness, deafness, cancer, diabetes, epilepsy, autism, cerebral palsy, HIV/AIDS and so on. A mental, a physical or mental impairment or medical condition that is substantially limits a major life activity or a history or record of such an impairment or medical condition. While several examples are provided on the form as I just listed off in small type on the slide, it's not an exhaustive list of disabilities, just some examples.

The Office of Apprenticeship is often asked if there is a definitive list of disabilities. The answer, there is not. There is no definitive or exhaustive list, and that's because there are many conditions that might not fit the definition.

We have said that both apprentices and applicants for apprenticeship must receive the invitation to self-identify. For current apprentices it is straightforward. On or by January 18, 2019, sponsors will invite all current apprentices to voluntarily complete the form. After that, once a year, they issue a reminder inviting apprentices to update their form if they wish to do so.

With applicants for apprenticeship, there is a two-stage process. All individuals who apply for an apprenticeship must be invited to complete the form. And once an individual is accepted into an apprenticeship program, but before they begin the apprenticeship, sponsors must once again provide the invitation to complete the voluntary self-identification form.

Note that these deadlines apply to current sponsors who are registered with the Office of Apprenticeship who were registered on or before January 18, 2017. OA sponsors registered after January 18, 2017 have two years from the date of registration to begin inviting self-identification of disabilities with their apprentices.

And now let me turn it over to Debra Carr – so glad you're with us – with the OFCCP and she'll talk about her agency's experience with disability self-identification.

DEBRA CARR: Great. Thank you so much for including OFCCP in your briefing today. So as you see, OFCCP enforces three laws, one of which is Section 503 of the Rehabilitation Act. Back in 2013, OFCCP published a final roll, strengthening and updating the provisions of Section 503. And as part of that upgrade, we had an effective date of March 2014.

The reason for that effective date was to give government contractors and subcontractors an opportunity to understand and implement the various changes done in Section 503. I'm sure many of you who are federal contractors are aware of the basic threshold for coverage. I'll just cover it quickly and that is that you're a federal contractor or subcontractor with a contract value of $15,000 or more. For program action purposes, to be covered by Section 503, the threshold requirements with the $15,000 at least 50 employees for program action program.

When we did our 2013 regulatory update, we really focused on strengthening Section 503 in a few ways. One, we created a seven percent aspirational utilization goal in Section 503, which contractors would apply either at the job crew level if they have 100 or more employees, or they could apply it at the workforce level for smaller contractors under 100 employees.

The other significant thing in the update of Section 503 was the inclusion of now both a pre and post offer of self-identification requirement. For us, there was a few issues surrounding pre and post offers self-identification. One was whether or not the pre-offer was allowed by law. The other was sort of how to collect and make the offer.

And the other has to do with timing, and I'll talk a little bit about those three issues on the next slide. But I also want to point out as we talk about the changes to Section 503, that in addition to the goals, in addition to the new self-identification provision, we also required some additional data collection. We required an annual evaluation of the employers' utilization of people with disabilities and we required identification of problem areas and a remediation approach to solving those issues.

One more thing I'll share with you as we were rulemaking our requirement is that the goal itself is intended not to be a quota, not to carry a penalty for non-compliance. The whole idea behind our goal was that it was a method to measure progress. I will also share with you on this slide that the issues surrounding the pre-offer, self-identification, really was resolved by OFCCP working in coordination with the EEOC to get clarifying guidance.

So I'll talk a little bit more about that clarifying guidance and what that means here. So for us, the EEOC wrote an opinion letter, which many of you, if you're federal contractors, saw on our website. And it still remains on our 503 landing page. It talks about the legal specifications for the offer of self-identification. There were three basis for EEOC opinion, finding that there was a legal bar to our pre-offer, self-identification.

One was the existence of a conflict of law provisions in Title I of the ADA, which basically held that employers were not going to be legally liable for taking this action if it was required by another federal law and statue. EEOC also complied that the pre-offer self-identification was completely lawful as it stands for the purposes of offering program action.

And then the EEOC finally complied that the requirement being imposed by OFCCP was to provide greater worker protection, that existing provision in Title I and the EEOC's interpretive guidance would allow that greater protection to be provided and it would not be inconsistent with existing law. So with that opinion, OFCCP moved to finalize it's regulation. And as most of you know, that requirement remained in its final rule.

The other item that I'll share with you about our experience is that it's implementing the self-identification provision. We really learned a few very valuable things from our government contractors. One, we have to be mindful of their IT planning cycle for implementation.

We required the use of a standard form that needed to be used without material alteration, and we talked about things like thought size, margin size and whether the forms could be altered in any material way. The answer is that it could not be, and so for employers who were deploying the form electronically, that raised some IT systems challenges. So we created a phase-in period. So even though the regulations were final in 2013, they did not become effective until 2014 to give employers time to address IT systems challenges.

We also had to consider things like budgetary planning cycles. Just like IT cycles, budgets were planned, in some cases a year or two in advance. And so, we had to be mindful about how those budget and IT changes were planned for government contractors. And then we had to be mindful of whether or not employers used their party senders for their HRIS system. Again, that required a period of ramp-up as companies had to coordinate with third-party vendors.

I will also share with you, based on our own experience, that the phase-in worked not only to address the IT budget and third-party vendor issues, but also to allow companies to make other changes that would bring them into compliance with the appropriate action program requirements. And so as companies phased in, we allowed them to phase in based on when their AAP cycles expired.

Some of the activities that OFCCP itself undertook during the phase-in period between 2013 and 2014 involved developing tools and resources for covered contractors and subcontractors. Some of those tools and resources live on our website.

Many of them remain there today and we are constantly issuing and updating our tools and resources. So the things that we did were work with contractors to identify frequently asked questions and to actually, when appropriate, work with them to refine the answers to those questions so that they were clear and most useful to them. We also created a database for potential outreach and recruiting sources.

We worked with ODAP to provide tools and resources related to how to make self-identification meaningful and how to craft that workable ID campaign. We did contract for training on each of the key provisions under 503 and developed a video that remains on our website making the case for the validity of self-identification for the employer as well as the employee.

The form itself requires some specific training. We worked with contractors and did training on issues like how to display it in their system. We negotiated specific changes based on employers' sort of work environment. We talked about ways to use the form in paper and electronically and we talked about issues that came up individually. Could you accept a form without a name? Could you use an employee – non – as a name? So these are all issues that came up in the birth of our cover contractors using our form.

So I want to share with you a little snapshot of where we think we are as of today. The data that I'm going to share with you, what you see on the slide, is actually data from a third party. It's not government data. So what an external survey has found and the survey – I should tell you first the survey included about 200 companies responding. 72 percent of those companies were federal contractors and about 45 percent of those responding to the survey were Fortune 500 companies.

So this is a snapshot of data that a third party has put together. I won't read it to you, but I will give you some of the takeaways from the data that you see on the slide. We're not seeing a significant movement in the workforce representation of people with disabilities. That may be attributable to a few things. It could be the result of the discouraged worker number. It could be the lack of movement in self-identification rates. So it could be accounted for a number of things.

I think for OFCCP, we're going to continue pushing the value of companies conducting real and comprehensive self-identification campaigns versus doing the one-off, very isolated invitation to just identify. I think the research done by others here shows that a sustained campaign that demonstrates to employers that you're committed to making improvement in this area and it speaks to all about your culture. And therefore, people are more inclined to self-disclose.

I would also say that this data and some of the other information that we've been able to get around this idea of self-identification and the value of 503 so far is that there are really five barriers where employers, including federal contractors, should focus, since they really want to see movement in the representation of people with disabilities in their workforce, and if they want to see an increase in the rate of self-ID.

So these are the five areas. Employers should really focus on having a strategic plan in place around their individuals with disabilities targets. Zach mentioned this earlier. What gets measured gets done, so have a plan that includes measures and targets.

We have learned that changing workplace culture is important to recruiting and rechaining the best talent, including where we're talking about people with disabilities. Create a welcoming environment. Talk openly about your commitment to diversity.

We've also learned that having policies and procedures in place that make it clear, not only about your commitment of your company to these issues, but how you handle workplace issues surrounding inclusion and diversity. How do you make reasonable accommodations available? Encourage the youth and employee resource groups and affinity groups. All of this should be reflected in policy, but also improve the perception of your workplace culture.

We also learned that workplace planning is important. Workplace planning would be literally how you use IT to make the physical plan more accessible, not just to people with disabilities, but to others, because many of the reasonable accommodations that can be made for disabilities may have greater applicability beyond just for the person with a disability. Fund and advance reasonable accommodations items. Think about how those items could be applied beyond a specific request. Those of you who know some things about managing your workplace, having that workplace plan.

And finally, we'd say first of all recruitment and retention. Work with your retained recruiters to make sure that they understand your 503 obligations, that they are capturing and maintaining the required data, and that they're intentionally looking for ways to attract and recruit candidates with disabilities.

So that's sort of our quick overview of our experience related to the implementation of 503 broadly, so some of the things that we specifically encountered as we talked about the pre and post offer of self-identification required under our new rule. So with that, I think Natalie, I turn this back over to you.

MS. LINTON: Thank you, Zach and Debra, for just really valuable information. And I particularly want to thank you, Debra, for offering up these wonderful suggestions to folks for how they can encourage self-identification and recruiting and getting more people with disabilities into the workforce.

So this webinar is the first of several ways the Office of Apprenticeship plans to support sponsors in the transition to inviting applicants and apprentices to self-identify as having a disability.

We will be posting a number of resources on a disability self-identification webpage linked to the apprenticeship EEO website and you can see the page there. Some of the parts of this will be a voluntary disclosure form, a guide for sponsors on self-identification, linking to the OFCCP video and other resources. We also have a link to the apprenticeship EEP disability page, which has some additional information on how you can recruit, hire and work with individuals with disability.

So now we want to hear from you. What questions do you have about what you've heard today? Do you have any specific concerns or technical assistance needs in preparing for the January 18, 2019 deadline, to begin enticing applications and apprentices to self-identify? Please type your questions into the chat below, and we have, again, a number of people in the room here, who are poised and ready to answer your questions. So let's here from you guys. Thank you all for listening.

MR. BOREN: And just while you're typing your questions now, just to tell you that the recording, executive summary and transcript will be posted on WorkforceGPS in about two business days, so keep an eye out on the event page. You can also download the PowerPoint there if you're not downloading it from the FileShare window that's down on the bottom left-hand side of your screen. Again, that's two business days for the recording, transcript and executive summary.

MS. LINTON: OK. So let's take some questions. Our first question, does the aspirational goal of seven percent pertain to the number of apprentices a company has or to the company's employees as a whole? And I'll have – who'd like. We'll have our attorney answer that. Kier?

KIER BICKERSTAFFE: Yeah. So for the purposes of what we're talking about now, which is a requirement under the Office of Apprenticeship EEO regulations, that pertains just to apprentices. If you are a federal contractor as well, you should know at this point, if you ever went over that, that would apply to the employees in your workforce as a whole. But for the apprenticeship regulations, it applies just to apprentices.

MS. LINTON: Thanks, Kier. We have another question. What is the retention requirement for the paper disclosure forms? Once again, we'll turn to Kier.

MR. BICKERSTAFFE: Sure. Yeah. I can take that. So you are required to keep that. The regulations do suggest that the disclosure form should be kept in a separate file from the rest of the application materials so that they can all be accessed by people when they need to know.

MS. LINTON: How long is it kept?

MR. BICKERSTAFFE: Yeah. And so, all that communication and regulations is kept for five years.

MS. LINTON: Great. Thank you, Kier.

MR. BOREN: If you are dialed, queue the teleconference line, you can dial star six to unmute your line and ask a question to our presenters live. That's star six to unmute your line. Don't be shy. Ask our presenters. They want your questions. And once you're done answering that, asking that question, that's star six to re-mute your line. So again, star six to unmute your line to ask our presenters a question.

MS. LINTON: OK. We have another question. The self-ID is part of the online application process. Is this acceptable or does the employer have to have a separate paper form? And I'd like to turn to Donna to answer that one.

DONNA LENHOFF: Yeah. It's part of the online application process. You mean that – I guess I would like a little clarification about this. Do you mean that it is part of an individual process of your online application process? Because – but you're not talking about an Office of Apprenticeship form or anything, or are you? Maybe it's – let me back up. While you're answering my question, I'll try to answer yours and then you can clarify.

If the sponsor is using the voluntary disclosure form that has been approved by OMB and that is the same form that the OFCCP uses and the form that Zach showed you earlier in today's presentation, and if you're doing that as part of your online applications, that is OK. You can do it as part of your online application.

You do need to keep the voluntary disclosure form separate after you – so that part of your online application should be kept separately from the other parts of the application file. So that works for the application, the requirement to ask the applicants to self-disclose whether or not they have a disability.

It doesn't work for the current apprentices unless they went through that process as well when they first applied. As of the affectious date for sponsor of this requirement, which is January 18th of 2019 for OA registered sponsors who were registered, who've been registered for two years, as of that point you have to be sure that not only you are asking your applicants going forward, but you also have to be sure to ask any apprentices who are currently in your program. So if they weren't asked as part of the application process to begin with, you do need to ask them in a one-time, if there's a requirement of inviting them to self-identify one time.

And then finally, there's a requirement of reminding your apprentices that they can self-identify or change their identification. You're supposed to remind them once a year, so just doing it as part of the application process doesn't meet that requirement. You're a long way there if you're doing it, and I saw the answer to my question. I appreciate it.

The question is part of the job application process for every person who applies for a job in your company. So not just for apprentices, but you know. So you are a long way there, but you do have to be sure that current apprentices are invited to self-identify and that you send that, you give them that reminder annually.

MS. CARR: This is Debra, and I just want to highlight one thing from the OFCCP perspective. Just a reminder that our contractors are required to do a five-year invitation to identify, and then an interim identification during the course of that five-year period. So what we were trying to do for us is that they were supposed to always set sort of a baseline and then sort of refresh that. So you got a five-year invitation and plus an interim reminder in the OFCCP database.

MS. LENHOFF: So if you're a contractor, you need to do that reminder, as Debra said, every five years with an interim reminder, but for your employees. But for those of your employees who are apprentices, you need to do that annually because the requirement under the Office of Apprenticeship is once a year.

MS. LINTON: Great. Thanks, folks.

MS. LENHOFF: I just want to say about the reminders. I mean the reason for it is people change. Right? I mean you're, I wouldn't have called myself a person with a disability perhaps five years ago or maybe last year, but maybe this year I would because something happened. So that's really the reason. I mean people are people and situations are fluent. And also you could have had a disability in the past, but no longer have that disability. So that's the reason for the reminder requirement.

MS. CARR: And also, that highlights the value of having self-identification campaigns because those are ongoing and not just a one-off, and then that will pick up people who, as Donna said, who have had a life-changing situation change.

MS. LINTON: OK. Great. Thank you. I just want to highlight for folks a resource that may be useful to you, the Office of Disabilities Employment Program has available a 411 video on how to complete disability disclosure forms.

MS. CARR: Now actually, it's Office of Disability Employment Policy. We have a video and it's called 411 and Disability Disclosure. It's particularly helpful for those apprentices who are trying to determine whether or not or when to disclose their disability. So it kind of helps them in the process and it just starts conversation.

MS. LINTON: Great. Thanks for the clarification. All right. Do we have another question here?

MS. CARR: We're just looking at the ones you've got up here. They're the ones we've got from you. They're up on the forum.

MS. LINTON: All right. Here's a great one. Why do we have to keep the self-identification reporting form separate from the regular application? I believe folks wanted to just hear that answer again from Kier.

MR. BICKERSTAFFE: Sure. I mean, sure. Since the regulation's required, it's for confidentiality reasons. Often, the entire application form will be shared around a number of people, and we want to keep this information to those who need to see it. So that's why the regulations required that any self-identification information is kept in a separate data element.

MS. LINTON: OK. Great. And how do apprenticeship sponsors need to, how do they annually invite apprentices to self-identify? Particularly, I think this question is for those programs that have thousands of apprentices. Do we have a strategy that folks can use when they have such a large program?

MS. CARR: I'll share with you what I know the contractors have done, and it may or may not be useful to some of you guys in the apprenticeship place. So some contractors use their all-employee, human resources sort of internet site, and they will have a space dedicated, standing all the time with the identification form and text, explaining that employees are always invited to update their status.

Some employers use their affinity groups or employee resource to actually create campaigns that the companies can hold equally. So they may do videos with employees who have disabilities, explaining to others the value of self-ID and how to access the form and make a disclosure within their own company.

Some companies have done really amazing videos that they launch over their internal website making the case for self-disclosure and again explaining how to do that. Some companies send an email blast out to all employees annually, saying if you haven't completed the form and you're interested, here it is online. And they provide the form or the link to a form. They incorporate it in their HR standard operating procedures and it's just a part of how they do business, but I think that's the big takeaway.

However, you can go employee engagement, employee outreach, changes to normal HR paperwork. Think of completing the form in the same way.

MS. LINTON: And I just want to add to what Debra just mentioned. A program of disability awareness month, disability employment awareness month is actually a great opportunity to highlight visibility and also jumpstart the conversation about disclosure.

MS. CARR: I think too, in whatever you do, please I would urge you, underscore that disclosure is voluntary. It will not be used against you and making disclosure doesn't give anyone an unfair or unnecessary advantage. This is really for collection of data, the management of the workforce, and ensuring that everybody has an equal opportunity to gain gainful employment.

MS. LINTON: Great. Thank you all. There was a question earlier about how does one separate the disability self-identification from the 671 form. And I just want to turn that over to our Donna to clarify how that works.

MS. LENHOFF: So I'm glad to say there's a pretty easy answer to that, which is that the voluntary disclosure, disability disclosure section of the 671 is on the last page of the 671. So when you hand out the 671 or give the 671 to your apprentices to fill out, they fill out all those sections that are for them to fill out and they can either fill out or not fill out as they choose the last page, which is the voluntary disability disclosure part.

And then you can literally tear it off or un-staple it from the rest of it. So if you're doing it in hard copies, it's very easy and it was designed that way so that you could keep that part separate. And that's the only part that's required to be separate. If you're doing it online, then I think you just need to literally separate. Make it into two forms instead of one. And we will have it on our website as a separate form so that you can do that.

MS. LINTON: OK. Great. There's also some question about how and where data should be kept. Does anyone have any suggestions? I know that Kier mentioned earlier it can be electronic. It can also just be paper files. But do you have any suggestions for folks about storage and what we're looking for when there's compliance or anything like that?

MS. CARR: So when I – this is Debra again from OFCCP. I'll share with you that one of the things that we intentionally did for 503 was not to muck around in your business process. So however you traditionally maintain data, you should do that for these data collection and maintenance purposes for 503.

So if you maintain all paper employee records, then it's fine to maintain the 503 required data in the paper format. If you're all electronic and automated and you keep that in-house, you would do that for 503 related data. If you have some sort of hybrid system, you would keep the data in the way that you normally would in your normal course of business. If you use an external, third-party vender to manage all your HR and other data collection, you would do that as well for 503.

The only thing I'll highlight is what Kier said earlier. You do have to keep certain data separate from generic HR information for confidentiality purposes. It doesn't matter whether that's electronic or paper.

MS. LINTON: Great. Thank you. I also see some questions pertaining to, again, how often and when to invite folks to self-identify. As we've said earlier, you can do this as an ongoing prospect. Have it as Debra said, having the materials available. Folks can pick this up. I think, though, what we want to be clear about is sponsors should not approach someone and invite them to identify. OK?

You got to use the form. The form has all these disclaimers on it that it says volunteer. It says answering it is voluntary, that you don't get, that there's no penalty for not answering it. There's no penalty for answering it. That it's used for data collection purposes and that the information is going to be kept confidentially.

And that it also has the definition of disability on it so people, the apprentice or applicants, have questions about whether or not they have a disability, the answer is right there. And you as the sponsor don't really have to memorize those answers. You can just refer the apprentices to the form. It's another advantage of having that form.

MS. CARR: Another advantage to having a standard form is something that I'll share with you from the OFCCP experience. In doing a lot of things and outreach leading up to the finalization of the form, it became clear from those disability rights groups and from our own employers that everybody thought there was value in having a form because it made the invitation look official.

It validated the request. It wasn't just something put together by someone in HR that rolled out and employees would receive it and they would go, is this legitimate? I'm concerned about the wording. Why are you asking? So we created a required form that was approved by OMB.

The language was locked down. We did a campaign around the form, publicizing that it was official. It was required. And it gave, I think, employers some cover and some level of comfort in using it, but it also gave employees and job applicants a degree of comfort that this was an official request. It wasn't done by any employer for any inappropriate reason. So also think in the long term, using a standard form should help employees and job applicants feel comfortable disclosing. So that's why, really, we opted for the standard form.

MS. LINTON: Great. Thank you, Debra. I see, too, that there's some concerns that we're talking about a tear-off sheet that is not currently available on the ETA 671 form.

MS. CARR: That's correct. It's not.

MS. LINTON: And also, correspondingly, whether or not a sponsor has to use the 671 form in addition to their own forms that ask for all candidates to self-identify. So with that, I want to turn to Zach Boren to answer the questions, those together.

MR. BOREN: So the ETA, as Donna was mentioning, the ETA 671 form, the disability tear off, as we've all been calling it, self-ID form, has not been released. We're not requiring you to collect this information right now. We will be releasing it on our website by an Office of Apprenticeship bulletin later this year, when we're sort of ramping up towards our January 18, 2019 date. And let me just ask other folks away in here, we definitely urge you to, if you're an apprenticeship sponsor, to use the form, the ETA 671 form to disclose those disabilities.

Kier or Donna, do you want to weigh in on the idea that folks have raised here if they are disclosing in another place with maybe a company form? What do you think about that?

MR. BICKERSTAFFE: I mean, regulations say that you need to use the form that we have. The reason for that is so that it is standardized. It also provides sponsors; in this case I saw one of the other questions came in, with an easy explanation. People say why are we doing this? You can say this is a form that the government is requiring for apprenticeship sponsors to collect disability information to make sure that appropriate action and equal employment opportunities are provided to them.

MS. LINTON: Great. Thank you all. So I think we're closing in on the top of the hour now and, unless there's some more pressing questions, we'll end here. I do want to thank Zach, Debra and all the other folks in the room who've supported today's presentation and provided some wonderful information to you all. We look forward to providing you with more discussion on these topics in the next coming months.

And feel free to reach out to Zach Boren and Debra Carr, you see their contact information there, for more information. Thank you everyone for joining us today and have a wonderful day.

(END)