

# BALANCEview

NEWS AND INFORMATION ON HR AND AFFIRMATIVE ACTION ISSUES

Berkshire Associates Inc. Newsletter ~ Qtr. 4 ~ 2011



Applicant Management | Compensation Management | Affirmative Action | Workforce Planning | Diversity | Professional Training

## UPCOMING EVENTS

**Fundamentals of Affirmative  
Action Planning**  
Columbia, Maryland  
January 24-25, 2012

**Berkshire's Affirmative Action  
Planning Boot Camp**  
Columbia, Maryland  
January 24-27, 2012

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## THE 2012 HR SNEAK-PEEK

By: Cindy Karrow, SPHR

Federal contractors have been very busy keeping up with Office of Federal Contract Compliance Programs' (OFCCP) proposals and changes in 2011. Recently, significant updates in the methods used during compliance reviews to evaluate compensation and assess contractors' efforts to employ Veterans and people with disabilities have been seen. When Patricia Shiu addressed the National Industry Liaison Group convention in New Orleans this past July she referred to OFCCP as a worker protection agency. Shiu noted the entire Department of Labor is engaged in one of the most significant efforts at regulatory reform in years. She promised OFCCP was putting some teeth into their changes and strengthening affirmative action requirements for contractors. With that in mind, let's take a sneak-peek at some of the changes that will impact HR professionals in 2012.

For much of 2011 OFCCP conducted reviews that focus on protected Veterans, pay discrimination, and people with disabilities. HR and compliance professionals can look forward to increased regulatory activity in those areas. Revisions to the Veterans' regulations are expected by spring 2012. The comment period has ended and little change is expected from the proposed to the adopted regulations. Some of the proposed changes would significantly impact the data collection and reporting of information about Veterans—both applicants and employees. Employers are concerned about this activity raising recruitment and staffing costs. Contractors are equally concerned about

the provision that would require hiring benchmarks for Veterans based on the contractor's collection of applicant data and results. There is also a proposal to require linkage agreements between contractors and placement agencies, including employment service delivery representatives (State Job Service) in support of hiring Veterans.

Another area to take a look at is compensation. The White House's emphasis on pay equity continues to influence OFCCP and its policies with an Advance Notice of Proposed Rulemaking for a Compensation Data Collection Tool. OFCCP solicited comments and ideas about the structure and use of the proposed tool for review prior to issuing a Notice of Proposed Rulemaking (NPRM). This notice is scheduled for publication in June 2012 in OFCCP's Regulatory Agenda. The purpose of the tool is to identify contractors that are likely to violate the Executive Order (EO 11246). Another use for the tool is to conduct industry-wide, contractor-wide, or establishment-specific compensation analyses. Over 2,400 comments were submitted in response to the advance notice. In general, industry groups were critical of OFCCP's intent to collect compensation data outside of a compliance review.

OFCCP's revisions to the Scheduling Letter and Itemized Listing are also focused on gathering more detailed information about compensation. This letter and listing are sent out to contractors as a formal notice of a compliance review. The proposed revisions ask for specific employee level compensation data. This is one of the areas of greatest concern; the confidentiality of the employee level compensation data cannot be guaranteed. Information submitted to OFCCP at this stage of the audit process  
*See SNEAK PEEK...cont. on page 10*

## MISSION STATEMENT

BALANCEview is Berkshire Associates voice to the HR Community. Our mission is to provide up-to-date information on trends and challenges facing HR professionals. BALANCEview is also an extension of Berkshire's mission to provide outstanding services and software solutions to organizations of all sizes, shapes, and business focus. Berkshire's BALANCE comes from its staff of expert HR consultants as well as its innovative team of software developers that turn your ideas into reality. The entire staff of Berkshire Associates wishes to provide you with exceptional service, products, and information to help BALANCE your workforce.

# BALANCEview

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## The Berkshire Perspective

### WE'RE AN HR AUTOMATION NATION

By: Lauren Collinson

Compliance and technology—in today's HR market the two go hand-in-hand. But it wasn't always that way, and for some companies it still isn't. When Berkshire Associates opened its doors over 28 years ago, HR automation was a fleeting thought. In fact, when Berkshire introduced the first automated affirmative action software, it took the industry by surprise—which quickly turned into delight. Since then, HR technology and automation has grown immensely, and continues to be one of the leading trends in the industry. In fact, if you want a sneak-peek at one of the leading trends for 2012, here you go: **HR Automation.**

In today's business environment, no matter the industry, technology has a significant impact on how operations are managed and delivered. According to HROToday, "In an effort to reduce spending on administration to improve their bottom line, companies are exploring how to automate much of their information and process management, especially in areas such as human resources."

The human resource industry has become an automation nation of sorts, with access to products that can simplify the majority of tasks. From affirmative action planning and compensation management to applicant tracking and onboarding—HR technology is streamlining the most complicated processes saving companies across the globe time and money.

Technology has been leaving its mark on the HR industry for years, and like everything else it's evolving. What was once considered robust can now be viewed as outdated. In 2012, thousands of HR professionals will join the ranks of technology users and begin automating their processes. It's

not hard to understand why. With companies cutting back and working to save resources, HR professionals are being asked to do more with less. One of the best ways to accomplish this is by automating time-consuming and often overwhelming tasks. According to HR.com, "In 2012 technology increases and the need to be efficient will drive small businesses toward automated processes. Companies will switch out their manual processes for new HR technology, increasing productivity while saving time and money in costly mistakes."

Let's look at an often overwhelming HR task—affirmative action planning (AAP). The time spent on managing company data, developing reports, and keeping up with the latest Office of Federal Contract Compliance Programs (OFCCP) regulation changes and requirements can make creating a compliant AAP a difficult project. With the use of HR technology, the AAP process can be completely streamlined giving professionals more time to manage their to-do lists.

Berkshire Associates gets the importance of technology, which is why it strives to always be ahead of the HR automation curve—providing clients with the latest solutions to meet their needs. For example, when Berkshire first introduced AAP software, GREAT AAP, to the marketplace it was a huge relief for compliance professionals because they could now use a tool to interpret their data. Berkshire took its software a step farther and introduced a do-it-yourself software application—BALANCEaap Desktop—that allowed users to complete their plans following a guided desktop program. Berkshire didn't stop there. With Internet capabilities growing and the need for 24/7 access and updates, the logical next step in AAP automation was creating a truly web-based technology. In 2009 BALANCEaap Web became available to the HR community. Utilizing technology and understanding the needs of its

See HR AUTOMATION NATION...cont. on page 10

### TAKE A PEEK—OFCCP REVISED PROPOSED SCHEDULING LETTER

By: Kristyn Hurley, PHR

In late September, Office of Federal Contract Compliance Programs (OFCCP) proposed a revised Scheduling Letter, Compliance Check Letter, and Itemized Listing in response to comments from the contractor community regarding the previously revised notice originally published on May 12, 2011. The proposed changes to this letter, when finalized, will impact the contractor community—specifically in 2012.

OFCCP did not make major changes to the new scheduling letter, citing revisions to the data collection request will allow for greater flexibility in reviewing data and a one-hour drop in time to respond to the letter. Additionally, OFCCP ascertains “societal benefits result from finalizing the proposed changes,” including more qualified workers in the workforce and the ability to compete more effectively in a global economy.

The changes are significant and are an additional burden on contractors. Some of the major changes require submission of detailed employee specific compensation data for all employees, “including but not limited to” full-time, part-time, contract, per-diem, day-laborers, and temporary workers. The effective date for the compensation data would no longer be the plan date, but the most recent February 1. Another major revision to the initial Affirmative Action Plan request includes personnel actions reported by individual race or ethnic groups, and presented by job group and job title. The agency retains the request of the “actual pool” of employees considered for promotions and terminations. Finally, the submission of documents pertaining to the Family and Medical Leave Act and

other leave or accommodation policies is also retained in the revised version.

OFCCP did make a limited number of modest changes to the itemized listing. One example is the agency will allow contractors to submit leave policies by either producing their entire employee handbook or submitting only the front cover, table of contents, and the pages that address the requested leave policies. They will also allow data reflecting the race or ethnicity categories required in the EEO-1 Report. This includes either the “new” seven race codes most contractors use, or the “old” five race categories outlined in OFCCP regulations. The agency also provides contractors with “the discretion to develop and use their own business definition” of voluntary and involuntary terminations. Finally, OFCCP will limit the submission of VETS-100/100A Reports to those for the current and

preceding year, rather than the three years proposed in the original letter.

The current scheduling letter and itemized listing will remain in use until the proposed versions are approved by the Office of Management and Budget, which is expected around the end of the year. To read the proposed letters and OFCCP rationale visit [http://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=201104-1250-001](http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201104-1250-001).

Berkshire Associates will continue to monitor this situation, and provide updates as they become available. If you have any questions on how these changes may impact your organization in the year ahead, please contact a Berkshire representative or compliance expert at 800.882.8904 or [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).

## Fast Facts

By: Lauren Collinson

When 2011 began, no one could have predicted just how busy Office of Federal Contract Compliance Programs (OFCCP) would be throughout the year. From agency collaboration to regulation changes and updates—OFCCP set out to keep compliance enforcement at the forefront in our industry.

Here is a brief recap of some of OFCCP’s 2011 highlights:

- Staff has increased 35 percent in last two years
- Agency undertook National Training Program
- FY11 was OFCCP’s largest budget ever
- 18 percent increase in compliance reviews from FY10
- OFCCP, Equal Employment Opportunity Commission (EEOC), and Department of Justice (DOJ) are collaborating

- Conducted proactive community outreach and education
- Updating Memorandums of Understanding to enforce a unified civil rights agenda (OFCCP, EEOC and DOJ)

With the new year upon us, we know 2012 isn’t going to be any different. In fact, OFCCP has a lot in store which means now is the time to make sure your company is meeting the latest regulations and preparing for proposed changes.

To learn more about how you can make sure your company is ready for OFCCP’s 2012 enforcement agenda and proposed updates, please contact Berkshire Associates at 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).

## A Closer Look At Upcoming OFCCP Veterans Requirements

By: Charu Avasthy, PHR

Federal contractor's responsibilities with respect to affirmative action, recruitment, and placement of Veterans have remained largely unchanged since first being published in 1976. In the last couple of years large numbers of Veterans have returned, or are in the process of returning to civilian life, from tours of duty in Iraq and Afghanistan. Their employment is a high priority of the current Administration. Consequently, on April 26, 2011, the Office of Federal Contract Compliance Programs (OFCCP) published a Notice of Proposed Rulemaking (NPRM) to change the regulations that govern how federal contractors and subcontractors complete their Veterans affirmative action plan (AAP). The comment period is over, and the final rule is expected in spring of 2012. While no action is needed at this time, once the implementation date is established all plans will need to comply with the changes. The rule is expected to be finalized without any major changes, and federal contractors and subcontractors need to be ready.

One of the first proposed changes is to rescind Part 60-250 in its entirety. This is because the regulations in this section only cover contracts of \$25,000 or more, entered into prior to December 1, 2003 that have been unmodified since that time. Generally, government contract duration does not exceed five years (Federal Acquisition Regulation; 17.204). Hence, any contracts covered exclusively by part 60-250 would have expired by December 1, 2008.

The new regulations will be known as "Section 4212" and Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) will no longer be used. The term "other protected Veterans" would

change to "active duty wartime or campaign badge Veterans." Additionally, the term "covered Veterans" would change to "protected Veterans," which will include all four of the protected Veterans categories under Sec 60-250 and Sec 60-300. Once the regulations are finalized OFCCP will work with Department of Labor's (DOL) Veterans' Employment and Training Services (VETS) to conform the VETS-100 form to the new Section 4212 regulations.

There are significant changes contractors need to be aware of that could impact both analysis and recordkeeping obligations under the new guidelines. As you examine an overview of these changes below, you will observe many were suggestions in the earlier regulations that will now be required.

### Recruitment

- Job openings must be listed with the employment service delivery system in a manner prescribed by the service. This applies to any third-party job service used by the contractor. Information such as contractor's status as a federal contractor, contact information of official at each location, and request priority referrals of protected Veterans will be provided to the state employment service annually. The same information will be provided for third-party recruiters used by the contractor.
- Annually, contractors must analyze total referrals received, number of priority referrals of protected Veterans received, and ratio of protected Veteran referrals to total referrals. Contractors must maintain referral records for five years. The effectiveness of outreach efforts will be evaluated by considering the number of protected Veteran referrals, applicants, and hires for the current year and two previous years. The primary indicator of effectiveness will be actual Veterans hired.

- The proposed rules require contractors to enter into a minimum of three linkage agreements with Veterans' employment sources specified by OFCCP. In the proposed rule, documenting activities undertaken, annually reviewing these over a twelve month period have been outlined.
- Invitation to self-identify as a "protected Veteran" will be extended pre-offer to applicants. The proposed change would not seek the specific protected Veteran category nor would it require applicants to disclose their status if they choose not to. The rule now requires contractors to seek advice of the applicant regarding accommodation. Invitations to self-identify has new language that explains to applicants the information is being requested to measure the contractor's outreach and recruitment efforts.
- Contractors will be required to state in solicitations and advertisements that they are an EEO employer of Veterans protected under Section 4212. All applicants need to be informed of the contractor's AA obligations and their rights under the EEO clause. Contractors will use an electronic posting to notify job applicants of their rights if the contractor utilizes an electronic application process. These notices must be stored as part of the electronic application.
- Physical and mental requirements of all jobs must be reviewed and updated as necessary "annually," and the results must be documented.

### Quantitative Assessment of Affirmative Action Efforts

- Contractors need to calculate ratios using referral, applicant, hiring, and job openings data. Contractors will need to set annual

hiring benchmarks expressed as the percentage of total hires that are protected Veterans the contractor seeks to hire in the following year. In setting this, the contractor will refer to ratios mentioned above and other sources listed in the regulations. These quantitative measurements will have to be documented annually and associated records maintained for five years.

## Dissemination of AA Obligations

- Under Section 60-300.44 and 60-300.5, a contractor will have to provide notices of employee rights and contractor obligations in a manner that is accessible and understandable to persons with disabilities. The proposed rule also requires providing these notices in accessible formats for employees working off-site. Electronic posting is an acceptable format.
- Per Section 60-300.44, contractors will need to inform all applicants and employees of affirmative action (AA) obligations. Meetings with management will explain intent of AAP, responsibility for implementation, and hiring and advancement of protected Veterans. Annual meetings with employees will include discussions on AA policies, AAP, contractor and individual responsibilities, and opportunities for advancement. If Collective Bargaining Agreements apply, the contractor needs to meet with union officials to inform them about the policy and seek cooperation. A statement from the contractor's CEO needs to be included in the AA Policy Statement. Contractors are also required to send written notification of the company's policy related to AA efforts to its subcontractors, vendors, and suppliers.
- Contractor's notifications to labor organizations must include "non-discrimination," in addition to

"affirmative action." Contractors need to include the entire EEO clause verbatim in contracts and subcontracts. Identity of officials responsible for AA activities must appear on all internal and external communications.

- Contractors must inform all employees and applicants (including those working off-site) about the availability of the AA program for inspection by means other than a posting at their establishments.
- Personnel processes need to be reviewed annually. Contractors should document personnel actions taken with regard to protected Veterans. Proposed revisions mandate certain specific steps the contractor must take in review of its personnel processes. Specific reasons for personnel actions need to be made available to the employee or applicant upon request.

## Reasonable Accommodation

- Changes made to Appendix A mandate certain activities that were earlier only suggested. A new clause states an individual who rejects a reasonable accommodation made by the contractor may still be considered a qualified disabled Veteran if the individual subsequently provides or pays for a reasonable accommodation.

## Training

- The new rules specify topics to include in training. Contractors will have to document who receives the training, when they receive it, and who administers it. Records of all written or electronic training materials used will have to be maintained.

## Compliance Reviews

- OFCCP may examine information after the date of the scheduling letter

to determine if violations persist or have been remedied. Relevant documents will be provided on-site or off-site to OFCCP at its request. Contractors will be required to specify all formats in which records are available, and OFCCP will select the format. Currently, focused reviews must take place on-site. "On-site" has been deleted to allow compliance officers greater flexibility in where reviews take place. A new paragraph details the new procedure for pre-award compliance evaluations.

To examine these proposed changes and updates in more detail, access our latest white paper at: <http://www.berkshireassociates.com/infocenter/viewer.aspx?pdf=31>. If you need further assistance with these proposed regulations, please contact Berkshire Associates at 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).

**Interested in  
having a Berkshire  
expert speak  
at your next event?**



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or 800.882.8904 ext. 1307.

# Out and About

By: Lauren Collinson

Berkshire Associates is geared up for 2012, but before we give you a sneak-peek at what we have in store let's reflect on how we finished 2011! The fourth quarter of the year was the busiest yet for Berkshire, and not just because of the Thanksgiving and Holiday parties! The fourth quarter meant planning for the year ahead and dedicating ourselves to meeting HR professionals' needs. In the midst of planning for 2012, we also made sure to meet with clients and colleagues across the country to educate and train them on the latest industry updates and trends.

## Berkshire Talks HR

Berkshire's experts did a lot of HR talking in the fourth quarter—beginning at the Maryland SHRM State Conference from Oct 2-4 in Baltimore, Md. Here Berkshire's Manager of Training, Nicole Yeldell, SPHR, shared the latest compliance updates in her timely presentation, "Federal Contractor and Subcontractor Compliance." With all the regulatory and compliance changes taking place throughout the industry, Nicole wanted to make sure attendees were aware of the potential impact to their companies.

*With ever-changing agency focus areas, it's hard to know exactly what OFCCP is looking for.*

Can you really be two places at once? Berkshire can! While Nicole was at the MD SHRM Conference, Berkshire's President Beth Ronnenburg, SPHR, made her way to Florida for the Space Coast Industry Liaison Group's (ILG) meeting on October 3. Here she met with fellow professionals to discuss the latest audit trends and updates

in her interactive presentation, "Real Questions, Real Answers—Real-time Audience Polling Sheds Light on Handling an OFCCP Audit." With ever-changing agency focus areas, it's hard to know exactly what the OFCCP is looking for—and how to provide it. In her presentation, Beth shed some light on how the typical audit is prepared and managed.

Beth made her way back to Maryland just in time for the Baltimore ILG meeting on October 11, where she joined a panel of fellow professionals to discuss the primary take-aways from the 2011 ILG National Conference. Take a peek at the results of Beth's pre-conference workshop at the National Conference by visiting: [www.berkshireassociates.com/form.aspx?id=35](http://www.berkshireassociates.com/form.aspx?id=35).

Another Berkshire expert, Sybil Randolph, PHR, was busy speaking on October 11 at the YWCA of Hanover's Third Annual Diversity Summit in Hanover, Pa. Sybil helped attendees take a closer look at the latest census data results, and examined how they are shaping today's workforce. With so many demographic changes throughout the country, it is important HR professionals are aware of the potential impact on their recruitment and EEO/AA strategies.

After visiting Pa, Sybil continued her journey north to Cooperstown, N.Y., from Oct 26-28, for the 2011 State Universities of New York (SUNY) HR Conference. There, Sybil spoke to attendees about the latest compliance and diversity updates in her presentation, "Changing demographics—a business case for diversity." Attendees were excited to learn how these changes specifically impact the higher education industry.

From north to south we go! We left N.Y. and headed to the Jacksonville ILG in Fla on November 8, where one of Berkshire's leading consultants, Charu Avasthy, PHR, shared the latest compensation information with fellow HR professionals in her presentation "Is There Hidden Liability Lurking in Your Compensation System? Identifying and Eliminating Pay Inequity."

This seminar helped attendees overcome compensation and salary equity challenges by:

- Increasing their knowledge of how to identify and eliminate pay disparities
- Demonstrating how to apply consistent methods to managing fair compensation
- Providing OFCCP updates, along with step-by-step instructions on how to protect their companies from salary equity liability

## NEW WHITE PAPERS AVAILABLE

Berkshire's latest FREE white papers, 'Examining Upcoming Veterans Requirements—What to Expect in 2012,' and 'The Wonder of the Web: Why Web-Based Applications are Necessary for Effective Affirmative Action Compliance' are now available! These white papers, written by leading industry experts, provide insight on upcoming compliance requirements, and the latest solutions to effectively overcome them. To access these informative white papers, visit <http://www.berkshireassociates.com/infocenter/whitepapers.aspx>.



We left sunny Florida and made our way to chilly Minnesota where Beth spoke to fellow professionals at the Minnesota ILG chapter meeting on November 17. Her presentation, "Exploring the Gray Areas of Affirmative Action Planning," examined and answered those burning compliance questions most HR professionals couldn't wait to ask. There are a number of areas within the industry where regulations and requirements vary in interpretation and implementation. With the use of handheld audience response units, Beth analyzed these types of compliance questions, using real-time data captured from the audience.

And then it was December! On December 2, Nicole made her way to the Chicago ILG to speak to fellow professionals about the importance of recruiting and retaining Veterans in her presentation, "Strategies for Integrating Returning Veterans into the Workplace." With so many Veterans returning from active duty, there is an untapped pool of talent waiting to be harnessed. Nicole's informative session helped attendees learn strategies and solutions for tapping into that talent by integrating and recruiting Veterans into their workforces.

Berkshire was on a roll, so we kept our travels going as Charu made her way to Atlanta, Ga., for the University System of Georgia's AA/EEO Officers Conference from December 8-9. This conference gave Berkshire a chance to speak with professionals in the education industry about how the latest compliance updates impact them specifically. At the conference Charu shared the latest compliance updates with attendees in her presentation, "Are You Ready to Rumble? Step Into the Ring and Brace Yourself for the Impact of the Latest Regulatory Updates."

For more information on any of the topics presented, or to book an expert speaker at your next event or meeting, please contact Lauren Collinson at [laurenc@berkshireassociates.com](mailto:laurenc@berkshireassociates.com) or 800.882.8904, ext. 1307.

#### **Berkshire Trains HR**

In the midst of all our travels in the

fourth quarter, we still made time to train our clients at Berkshire's leading Training Center in Columbia, Md. From Oct 18-19, clients from all over the country made their way to our headquarters to participate in the Fundamentals of Affirmative Action Planning training course where they received comprehensive training on the federal regulations that govern affirmative action, the affirmative action plan preparation process, and OFCCP audits.

Berkshire also hosted its four days of Affirmative Action Planning Boot Camp from Oct 18-21, where attendees received a total AAP workout. AAP Boot Camp includes Fundamentals of Affirmative Action Planning, **BALANCE**<sup>aap</sup> Web application training, and the Affirmative Action Plan Workshop. Choosing Boot Camp offers a discount on all three classes.

**Sneak-peak alert:** Sign up now for Berkshire's 2012 Fundamentals of Affirmative Action Planning training, or Boot Camp training, taking place the weeks of January 24-27 and April 17-20, 2012, by visiting: <http://www.berkshireassociates.com/training/register/selectclass.aspx>. For more information call 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).

#### **Berkshire Writes HR**

Berkshire's experts understand HR, and strive to share the latest updates and insights to keep fellow professionals informed. With the announcement of a Notice of Proposed Rulemaking (NPRM) by the Office of Federal Contract Compliance Programs (OFCCP) regarding updates to Section 503 of the Rehabilitation Act of 1973, the agency has made its focus on affirmative action efforts for individuals with disabilities a top priority—which means federal

contractors and subcontractors need to be more prepared than ever. With this update in mind, Berkshire's experts developed an informative white paper, "Employing Individuals with Disabilities—Understanding the Latest Requirements and Changes." This white paper discusses the importance of recruiting and retaining individuals with disabilities, what the potential updates to Section 503 really mean, and how to remain compliant.

Berkshire's experts also developed another timely white paper, "Examining Upcoming VETS Requirements—What to Expect in 2012," which focuses on OFCCP's Notice of Proposed Rulemaking (NPRM) to change the regulations that govern how federal contractors and subcontractors complete their Veterans affirmative action plans (AAP). To access these white paper, and many more, please visit: <http://www.berkshireassociates.com/infocenter/whitepapers.aspx>.

#### **Berkshire Accolades**

As the fourth quarter began, Berkshire was thrilled to learn Beth was named one of the Daily Record's 2011 Leading Women for her professional accomplishments. The Daily Record created the Leading Women Award in 2010 to recognize professionals under the age of 40 who have been successful across Maryland. They are judged on professional experience, community involvement and their commitment to inspiring change.

We were even more excited to find out Berkshire was named one of Baltimore Sun's 2011 Top Places to Work! This is a tremendous accomplishment for us, and speaks volumes to the type of workplace

*See Out & About...cont. on page 8*

## *Congratulations*

*Berkshire Associates is honored to be Named one of Baltimore's Top Workplaces by the Baltimore Sun*

*Berkshire's a Great Place to Work—A Better Place to Do Business*



## Out & About....cont. from page 7

we strive to provide to our employees. Berkshire is a great place to work, and an even better place to do business!

### **Berkshire Gives Back**

Berkshire's employees love to give back, which is evident in their volunteer efforts each year. On October 20, Berkshire teamed up with the United Way of Central Md. to help those in need by volunteering at the Baltimore Child Abuse Center (BCAC). Berkshire's employees helped create prevention kits to be distributed to Baltimore city school students and teachers. To learn more about the BCAC and how you can help make a difference, please visit: <http://www.bcaci.org/>.

Our community involvement didn't end there, on November 14 Berkshire's employees headed to the Maryland Food Bank and worked the conveyor belt packaging 12,084 pounds of food which equates to 9,295 meals to help families and individuals in need. This was a great way to grow together as a team while doing something meaningful. You can help too! Visit the Maryland Food Bank's website at <http://www.mdfoodbank.org/site/c.mgLPiYOzGIF/b.5551677/k.BF32/Home.htm> and see how you can make a difference.

Before we wrapped up the quarter and our efforts to give back, we literally did some wrapping of our own! Berkshire employees teamed up to bring in 83 toys for the Toys for Tots program. To learn

more about how you can get involved visit: <http://www.toysfortots.org/>.

### **Berkshire Celebrates**

While juggling our fourth quarter speaking engagements, training sessions, and volunteer efforts, we still found time to celebrate—and at Berkshire we celebrate big! Berkshire's employees came together for its annual Thanksgiving celebration on Monday, November 17, bringing in over 15 different homemade side-dishes and desserts. Not only did we have fun eating, but we had fun playing too during our first ever Minute-to-Win-It challenge. We all had a laugh watching employees use only their face muscles to get a cookie from their forehead to their mouth, and keeping three balloons in the air for one minute using any part of their body. It sure was a sight to see!

Our celebrating kept on going as we got together for our annual Holiday party on Friday, December 16. Employees enjoyed great food, company, and the annual gift exchanges while reflecting on another successful and exciting year.

### **Berkshire's 2012 Sneak-Peak**

What's in store for Berkshire in 2012? We've got a lot to look forward to in the

## Training

### FUNDAMENTALS of AFFIRMATIVE ACTION:

January 24-25, 2012  
April 17-18, 2012

### BALANCEaap SOFTWARE TRAINING:

January 26, 2012 (BALANCEaap Web)  
March 8, 2012 (BALANCEaap Web)  
April 19, 2012 (BALANCEaap Web)

### COLLABORATIVE PLAN DEVELOPMENT:

*(Software purchase and training are required)*  
January 27, 2012 (BALANCEaap Web)  
March 9, 2012 (BALANCEaap Web)  
April 20, 2012 (BALANCEaap Web)

### AAP BOOT CAMP:

*(Register for four days in a row for the above three classes and save \$170)*  
January 24-27, 2012 (BALANCEaap Web)  
April 17-20, 2012 (BALANCEaap Web)

### GROUP ONLINE PUBLIC TRAINING

*(Three one-hour sessions over three days)*

### BALANCEaap Web

January 17-19 • February 14-16  
March 20-22 • April 17-19

### BALANCEaap Software

January 24-26 • April 24-26

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## MEETING & TRAINING ROOM RENTAL SPACE

Our computer room is equipped with 13 high resolution computers. Each computer has high speed Internet access, CD-Rom drive, & 15" LCD Flat-Panel monitors.

In addition, the room includes:

- Two printers
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- White board
- Instructor podium

*Specifications for workstations can be configured to meet your needs. One hour of technical support is included.*

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The standard meeting room accommodates 30 people & includes:

- Tables that can be configured in various ways
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- White board & flip chart
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- Afternoon snack
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### Contact Information:

To book a training room, or for additional information please call 800.882.8904 or 410.995.1195 ext. 1220.

year to come. With OFCCP activity on the rise, and the trend of HR automation hotter than ever, Berkshire looks forward to continuing to provide the latest technology and services to keep professionals compliant and up-to-date. We are also looking forward to working with professionals across the country with stops planned in Georgia, Texas, and Hawaii! To find out what Berkshire gets into during the first months of 2012, keep your eyes peeled for the first quarter issue of *BALANCEview*. Meanwhile, receive industry information and updates by joining us on facebook at [www.facebook.com/BerkshireHR](http://www.facebook.com/BerkshireHR) and on Twitter at: <http://twitter.com/BerkshireHR>.

We also have a great LinkedIn group called The HR Compliance & Management Forum. It is an interactive group providing a platform for human resource compliance and management professionals to discuss the latest industry trends and best practices. Topics include affirmative action compliance, equal employment opportunity, applicant management, compensation, diversity, and workforce planning. Join this group by visiting: <http://www.linkedin.com/groups?mostPopular=&gid=3868246>.

## DO YOU SEE WHAT I SEE? EXAMINING THE KEY FEATURES IN A GOOD APPLICANT TRACKING SYSTEM

By: Candace Snyder

In the busy and hectic world we live in, everyone appreciates technology and how it makes our lives easier by automating day-to-day activities. From paying monthly bills online to meeting reminders at the office, we rely on automation every day. The HR professional can benefit from automation when looking for qualified candidates to fill their open positions.

An applicant tracking system (ATS) is one way to make life easier for an HR professional. A system that allows job seekers to apply for open positions online is the first step to reducing paperwork, keeping information organized, and simplifying the process it takes to hire qualified workers.

If you are in the market for an ATS, look for features that will reduce the mundane tasks in your hiring process, such as scoring job seekers, sending response letters, and creating requisition numbers. Scoring a job seeker based on their answers to specific questions allows the hiring manager to easily compare each individual to the ideal candidate. The hiring manager can also focus on a smaller group of job seekers by only reviewing the individuals who scored the highest—reducing the time it takes to find the most qualified individuals.

Any automated process, no matter how small, is an improvement over manually processing information. Automatically generating requisition numbers may seem like something small, but it has a huge impact on day-to-day activities for HR professionals. You no longer have to look up the last number used or remember how a job's information is combined to make up a requisition number; a well equipped ATS can do it for you.

Other activities, such as sending acknowledgment and rejection letters to candidates who have applied for positions with your organization, may seem to require little effort when looking at just a few candidates. However, when reviewing a few hundred candidates this can quickly become cumbersome—and automation is essential to your operational efficiency.

Berkshire Associates' applicant tracking system, *BALANCEtrak*, has all of these automated features and so much more! Any HR professional would benefit from utilizing a system that keeps information organized and reduces the time it takes to find a qualified candidate.

See what I see by visiting [www.balancetrak.com](http://www.balancetrak.com). Or contact Berkshire at 800.882.8904 and [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com) to find out more.



## SNEAK PEEK....cont. from page 1

is subject to Freedom of Information Act (FOIA) disclosure, therefore, compensation data could be disclosed to a competitor or other interested party. The second comment period closed in October and the revised letter and listing are expected out at any time.

Another area to keep watch over is in regards to Section 503 of the Rehabilitations Act. OFCCP recently published a Notice of Proposed Rulemaking (NPRM) to notify contractors of modifications to the affirmative action regulations under Section 503 of the Rehabilitation Act. These proposed changes will significantly impact contractor's data collection responsibilities as well as establish a utilization goal for individuals with disabilities.

OFCCP explains the revisions are necessary for several reasons. First, the existing regulations have been in place since the 1970s. Second, suggested or voluntary efforts that appear in the current regulations have not had a demonstrable effect on the employment of individuals with disabilities. According to the U.S. Department of Labor's Bureau of Labor Statistics, the employment rate for working age individuals with disabilities is significantly lower (21.8%) when compared to the rate for working age individuals without disabilities (70.1%).

The NPRM includes a detailed section-by-section analysis of the proposed changes. To access OFCCP's press release, and a copy of the entire NPRM, please visit: [http://www.dol.gov/ofccp/regs/compliance/sec503/Sec503\\_Media\\_Release\\_2011-12-07.htm](http://www.dol.gov/ofccp/regs/compliance/sec503/Sec503_Media_Release_2011-12-07.htm).

Other subjects that may surface between now and the summer of 2012 include a revision to OFCCP's Sex Discrimination guidelines, last revised in 1978. The agency has also announced it intends to revise the regulations for federal and federally assisted construction contractors. The proposed revisions to the 1980 regulations would remove outdated provisions, propose a new method for establishing affirmative action goals, and reflect the realities

of the labor market and employment practices in the modern construction industry.

A sneak-peek would not be complete without a look farther into the future toward the end of 2012. The revised EEO Data file is scheduled for release by the U.S. Census Bureau at the end of December 2012. This special file is used to calculate availability estimates for affirmative action plans. This EEO file will not be extracted from the decennial census data as in the past; instead it will contain information collected by the American Community Survey (ACS). The ACS is an ongoing annual survey conducted by the census bureau which reaches approximately three million households each year on a rotating basis. The 2010 EEO file will use employment data collected from 2006-2010 to provide availability estimates. This five-year period is designed to compensate for fluctuations in employment over this time frame, and more accurately represent employment estimates.

Since occupations have changed over the past decade, there will be updates to the job titles and codes used in the 2010 EEO file as well. There will be 480 reported occupational codes or job titles compared to 472 in 2000. This is due to the addition of more specific job titles and 'splitting' existing occupations to provide more detail. The number of characters in the actual code will increase from three to four to allow for these splits. Contractors who maintain these codes in their HR system should review its ability to accommodate a field size of four characters.

Berkshire Associates will continue to monitor all the updates mentioned here, as well as keep you informed about trends in other areas of AAP compliance and audit activity. Visit our website for breaking news and other articles of interest, or join us on facebook at [www.facebook.com/BerkshireHR](http://www.facebook.com/BerkshireHR) and on Twitter at: <http://twitter.com/BerkshireHR>.

If you have any questions about these sneak-peek updates, please contact Berkshire Associates at 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).

## HR AUTOMATION NATION....cont. from page 2

clients, Berkshire created a secure, web-based application that surpassed traditional software. **BALANCE** Web doesn't sit on your desktop and require maintenance updates or IT support—it is a true representation of today's technology, giving professionals the freedom, flexibility, and power to create compliant AAPs right from the web. And there are never any cumbersome updates, downloads, or computer crashes to fix. This software is living—constantly being updated to reflect OFCCP changes so HR professionals will meet the latest compliance guidelines. That is HR automation at its finest.

With the HR automation nation era upon us, don't just take a peek at what the latest technology has to offer—take advantage of it and experience HR in a whole new light.

*... giving professionals the freedom, flexibility, and power to create compliant AAPs right from the web.*

To learn how automated HR solutions for not only AAP, but applicant management and compensation management, can streamline your processes, visit [www.berkshireassociates.com](http://www.berkshireassociates.com) or call 800.882.8904 to speak with one of our experts.

Also, be sure to check out one of Berkshire's latest white papers, "The Wonder of the Web: Why Web-Based Applications are Necessary for Effective Affirmative Action Compliance." This white paper examines the differences between desktop and web-based AAP technology solutions, and what HR professionals should be aware when making a decision. To access this informative white paper, visit <http://www.berkshireassociates.com/infocenter/whitepapers.aspx>.

# A RESOLUTION FOR THE NEW YEAR—CREATING AN UPDATED APPLICANT MANAGEMENT PROCESS IN SEVEN EASY STEPS

By: Laura Pohopin,  
Business Solutions Specialist

I've talked with so many clients over the last several months who tell me they know they should and could be doing a better job with their applicant flow, but they just don't have the time, personnel,

If you are not sure where to begin, Berkshire recommends an easy seven-step process to help:

1. Conduct a comprehensive audit of your current applicant tracking and recordkeeping processes to assess compliance with the final OFCCP rule on collection and retention requirements for applicant data.
2. Develop a definition based on the final OFCCP rule of an "Internet applicant" that best meets your company needs, mitigates risks, and eases the burdens associated with applicant tracking and monitoring.

processes to remain compliant with regulations.

It's New Year's resolution time—no excuses! So if you feel you don't have the time or expertise to take on this project, Berkshire's experienced consultants will work with you on any, or all of, the steps described above. We have assisted clients by holding workshops to discuss and develop processes and best practices unique to their organization. We have also conducted comprehensive audits of clients' existing processes to assess compliance with OFCCP requirements for applicant data,

*OFCCP fully expects you to have a compliant applicant process firmly in place.*

or expertise to assess their applicant process. Just like your schoolteacher didn't accept the excuse that your dog ate your homework, neither will Office of Federal Contractor Compliance Programs (OFCCP) accept any of yours.

**The OFCCP fully expects you to have a compliant applicant process firmly in place.**

Whether you are the only one in your company managing the recruitment function, you have a staff of recruiters, or you use a third-party recruitment source—take a minute to find your recruitment and selection policy and procedures manual. Then take several more minutes to dust it off and make sure it is up-to-date and everyone has a copy so they can follow the process that someone so carefully developed. What? You don't have a written policy? You mean everyone does their own thing? Are you not sure?

With the increased focus on applicant requirements from OFCCP—you need to be sure.

**Remember, OFCCP fully expects you to have a compliant applicant process firmly in place.**

3. Establish basic qualifications for jobs to narrow your recruitment search efforts and ease your applicant data collection and retention requirements.
4. Identify the most appropriate recruitment methods and sources for the various types of positions within your company.
5. Create a practical process for collecting and retaining applicant data and to manage the flow of job applications.
6. Establish monitoring practices to measure the effectiveness of your recruitment and applicant tracking processes.
7. Develop a communication plan for consistency in applying your

provided recommendations for areas of improvement, developed flow-charts for applicant tracking, and assisted in prioritizing action items.

As experts who present on applicant tracking at national conferences and associations, Berkshire knows how to assess your current business situation and guide you in developing a standardized applicant tracking program. We can construct a process your company can embrace, follow, and maintain.

To learn more, please contact Berkshire Associates at 800.882.8904 or email [bai@berkshireassociates.com](mailto:bai@berkshireassociates.com).

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# ARE YOU READY FOR 2012?

## Web-based AFFIRMATIVE ACTION PLANNING GIVES YOU MORE

Berkshire Associates' **BALANCEaap** Web, a secure, web-based application gives you more than traditional software. It allows you to create, monitor, and manage a complete 100% OFCCP compliant plan right from the web. Anytime, anywhere access, unlimited users, reports distribution, and seamless regulatory updates make **BALANCEaap** Web the ideal choice for centralizing all of your 2012 affirmative action efforts. It's the best on the market.



Schedule a demo today to see **BALANCEaap** Web's incredible new features and enhancements.



Web-based



Compliant



Automated



Easy



Secure

Call Berkshire Associates Inc. at **800.882.8904** to learn more about the next generation in affirmative action planning or visit [balanceaapweb.com](http://balanceaapweb.com)

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