Legislation Drives Employer Behavior

The Growing BURDEN of Employment Law and Regulation

By 1900
Case Law
Common Law

By 1940
Case Law
Common Law
Davis-Bacon
Copeland
FICA
FLSA
NLRA
RLA
SSA
Walsh-Healy Act

By 1980
Case Law
Common Law
Davis-Bacon
Copeland
FICA
FLSA
NLRA
RLA
SSA
Walsh-Healy Act
ADEA
BLBA
CAA
CCPA
CCRA
CERCLA
CRA 1964
CRA
CWHSSA
EO 11246

EPA 1963
ERA 1974
ERISA
FCRA
FRSA
FWPCA
FUTA
HMOA
ISCA
LMRA
LMRDA
Mosca
MSHA
NEPA
OSHA
PDA
SWDA
TSCA
VEVRAA

By 2000
Case Law
Common Law
ADA
ADEA (Age)
AHERA
BLBA (Black Lung)
CAA
CCPA
CCRA
CCRRA
CERCLA
COBRA
Copeland
CRA
CRA 1964
CRA 1991
CRECA
CWHSSA
Davis-Bacon
DFWA
DOMA
ECPA
EO 11246
EPA 1963
EPPA
ERA 1974
ERISA
FCRA
FDA
FICA
FLSA
FMLA
FRSA
FUTA
FWPCA
HIPAA

HMOA
IRC
IRCA
ISCA
JCWAA
LHWCA
LMRA
LMRDA
MHPA
MHPAEA
Mosca
MSHA
MSPA
NEPA
NLRA
NMHPA
OSHA
DWBPA
PDA
REA
RLA
RPA
SBIPA
SDWA
SSA
STAA
SWDA
TEFRA
TRA 1986
TRA 1997
TSCA
USERRA
VEVRAA
Walsh-Healy Act
WARN

Present Day
Case Law
Common Law
ADA
ADAAA
ADEA (Age)
AHERA
AICA
ARRA
ATRA
BLBA (Black Lung)
CAA
CCPA
CCRA
CCRRA
CERCLA
CHIPRA
COBRA
Copeland
CRA
CRA 1964
CRA 1991
CRECA
CWHSSA
Davis-Bacon
DFWA
DOMA
ECPA
EGTRRA
EO 11246
EO 13204
EPA 1963
ERA 1974
ERISA
EPPA
FCRA
FDA
FICA
FLSA
FMLA
Frank-Dodd Act
FRSA
FUTA
FWPCA
GINA
HEART
HIPAA

HMOA
IRC
IRCA
ISCA
JCWAA
LHWCA
LLFPA
LMRA
LMRDA
MHPA
MHPAEA
Michelle's Law
Mosca
MSHA
MSPA
MSP
Nat'l. Defense Auth (2010)
NEPA
NLRA
NMHPA
NTSSA
OSHA
DWBPA
PDA
PFEA
PPA
PPACA
PSIA
REA
RLA
RPA
SBIPA
SDWA
SOX
SSA
STAA
SWDA
TEFRA
TRA 1986
TRA 1997
TSCA
USERRA
VEVRAA
Walsh-Healy Act
WARN

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EEO, AA and D&I
What's the difference?

Equal Employment Opportunity

Laws that prohibit discrimination in employment based on race, color, religion, sex, pregnancy, national origin, age, disability, and genetic information.

Affirmative Action

Positive steps taken to increase the representation of women, minorities, veterans and persons with disabilities in areas of employment, education, and business from which they have been historically excluded.

Diversity & Inclusion

The understanding that each individual is unique-- initiatives move beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

Applies to Most Employers

Applies to Federal Contractors
(who must go above and beyond basic EEO)

Adopted by Many Employers
(Federal Contractors typically have D&I programs)

Internet Applicant Rule

NOW HIRING
APPLY TODAY

Old Front Door

New Front Door

career · frien

UNIT

fly the f
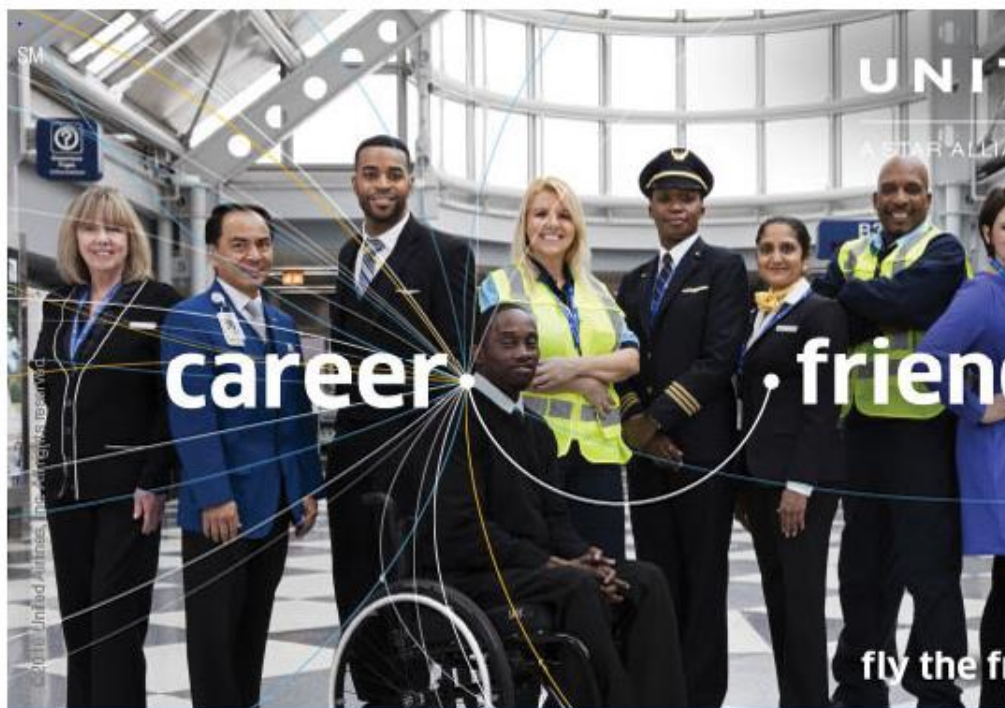
We have a wide variety of career opportunities around the world — come find yours.

Apply

Purpose of the Internet Applicant Rule

- Defines "Internet Applicant" – a job seeker applying for work through the Internet or related electronic data technologies from whom contractors must solicit demographic information

- Prescribes the records contractors must maintain about hiring done through use of the Internet or related electronic data technologies

- Explains the records OFCCP will require contractors to produce when evaluating whether a contractor has maintained information on adverse impact and conducted an impact analysis under the Uniform Guidelines on Employee Selection Procedures (UGESP)

- For detailed information about the Internet Applicant Rule go to: http://www.dol.gov/ofccp/regs/compliance/faqs/iappfaqs.htm

The Internet Applicant Rule essentially created the need for Applicant Tracking Systems (ATSs), including applicant tracking disposition codes. The ATS is the backbone of a hiring operation.

Definition of Internet Applicant

- Four criteria must be satisfied in order for a job seeker to be considered an "Internet Applicant"

    1. Individual submits expression of interest through Internet or related electronic data technologies (examples include email, resume databases, job banks, electronic scanning technology, applicant tracking systems/applicant service providers, and applicant screeners).

    2. Contractor considers individual for employment in a particular position

    3. Individual's expression of interest indicates basic qualifications for position

    4. Individual does not remove him/herself from consideration prior to job offer

    Note: An individual is not an "Internet Applicant" unless all four criteria are satisfied.

Structures of Employers' Recruitment Operations

Recruitment Planning

In-house vs. external recruitment agency

- Many companies do recruiting in-house
  - Recommended approach for large companies
- Smaller companies may rely on external recruitment agencies

Individual vs. cooperative recruitment alliances

- Cooperative alliances involve arrangements to share recruitment resources

Recruiting Models

- ## Centralized Model

  - ➤ Central control where strategy and policy development and day-to-day hiring operation is directly managed by Human Resources (HR)

  - ➤ HR has a dotted line to Business Units and determines service level agreements (SLAs), owns budget, recruiting strategy, planning, and process

  - ➤ Most commonly used model by business today

- ## Decentralized Model

  - ➤ Generally utilizes "central" policy development done at the corporate level, but day-to-day hiring operation is managed by Business Units

  - ➤ Recruiting processes/metrics are generally driven from the Business Units with accountability to HR for policy and legal compliance

  - ➤ Business units own budget, recruiting strategy, planning and process

Recruiting Models

- Hybrid Model

  ➢ Some parts of the employment operation are centralized, especially policy development and compliance

  ➢ Various "types of hiring" (executive vs. management vs. entry-level vs. high-volume hiring vs. college recruiting vs. union) can be done differently—for example:

    – Executive hiring centralized and done at corporate level by HR; typically involves an outside executive recruitment agency

    – Management hiring centralized and done at corporate level by HR; can include support by an external recruitment agency

    – Union or entry-level hiring managed at a corporate level but with HR support assigned at a business unit level with a dotted line to the business unit; recruiting, testing and hiring is facilitated locally

- High-Volume Recruiting vs. Low-Volume Recruiting

  ➢ Volume can determine structure and process management

Employer Size & Hiring Volume Determines Organization Structure

Relating to Employers
Partnering for Success

Knowledge of the language of business and employment is essential!

- Strategic partnerships with employers are *vital*!

- The Public Workforce System and related federal and state programs represent an opportunity to engage employers in a vital mission to support nation-building and the development and sustainment of a skilled workforce.

- Employers are critical partners in training a skilled workforce.

- Employers and the government embody vastly different worlds, so how can you best engage employers in your mission?

- **Speak the language of the employer!**

- **Shift from *SELLING* to *CONSULTING*….act like a confident consultant!**

Relating to Employers
Partnering for Success

Recruitment Process Outsourcing (RPO)

- **RPO** is a form of business process outsourcing (BPO) where an employer outsources or transfers all or part of its recruitment activities to an external service provider.

- A properly managed RPO can improve a company's cycle time to hire, increase the quantity and quality of the candidate pool, provide verifiable metrics, reduce costs and improve governmental compliance.

Learn more about RPO:
http://www.hroa.org/content/rpo-right-you-what-problems-are-you-trying-solve

RPO Resources:
http://www.hroa.org/content/resources-can-help

Relating to Employers
Partnering for Success

Making Sense of Terminology

Workforce Terms	Employer Terms
• Job Placement	• Sourcing, Recruiting, Pre-Screening
• Interviewing, Testing & Assessments	• Same/or Selection Process
• Computer Job Matching	• Same/or Meeting Minimum KSAs, etc.
• New Hire Processing	• Onboarding
• Rapid Response / Layoff Aversion	• Outplacement Services
• Unemployment vs. Reemployment Services	• Outplacement Services
• Tax Credits & Incentives	• Same / Manual Processing a Concern
• Labor Market Information (LMI)	• Same / Labor Supply & Demand (Use to Identify Recruiting Strategy & Scope)
• Customized Services	• Fee-Based vs. Cost-Reimbursement (Use Case Studies / ROI / SLAs)

Differentiate Services for Job Seekers vs. for Employers

What You Should Learn & Know About Employers

## *Understand the Employer, What They Do, and Their Personality*

1. Industry (NAICS code)
2. Company culture
3. Public or private?
4. Family-owned vs. employee-owned?
5. For profit or non-profit?
6. Union or non-union?
7. Large, medium, or small?
8. Established organization or a start-up?
9. Layered structure (bureaucratic) vs. flat structure (entrepreneurial)
10. Local, regional, national, global?
11. Urban vs. rural locations
12. Federal government contractor vs. non-federal government contractor
13. Common occupations and knowledge, education, skills, abilities required
14. Current job openings / hiring activity (labor demand)
15. Downsizing or layoff activity
16. Labor market information (labor supply)
17. Latest news events
18. Corporate foundation / charitable activities
19. Key leaders
20. Core values, strategy and mission (annual report)

What You Should Learn & Know About Employers

Gather Baselines

Research Employers

- Research the employer's hiring process:
  - ✓ Entry level / mass volume hiring / high turnover positions
  - ✓ College level
  - ✓ Management level
  - ✓ Executive level

- Hiring volumes:
  - ✓ By job type or occupational category
  - ✓ By geography

- Cost per hire (ideally matching the volume categories)

- Quality measurements (used by employer)

- Satisfaction measurements (used by employer)

Phases of the Hiring Process
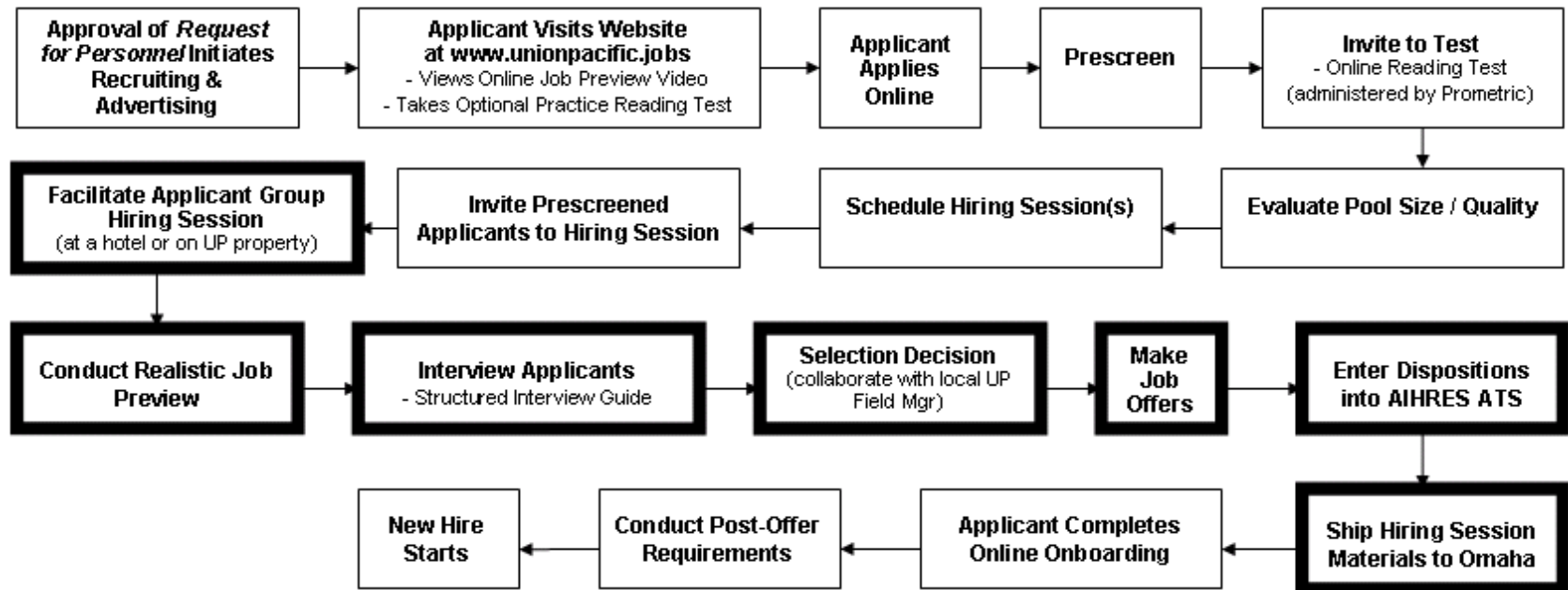
Sources to Find & Research Employers in Your Local Area

Find Employers

1. NILG
2. Hoovers.com *(offers Company Profile Reports—see sample report)*
3. Glassdoor.com *(search company data, reviews, and interviews all posted anonymously by employees)*
4. USASpending.gov *(find federal government contractors)*
5. Employer Associations *(join, if possible, or offer to speak at meetings/conferences, and follow Associations on Facebook or Twitter)*
   – Local and State HR Associations
   – DirectEmployers Association
   – Society for Human Resource Management / Local HR Chapters
   – Staffing Associations
   – National Industry Liaison Group (NILG) and Regional ILGs
6. Employer List on CareerOneStop (http://www.careerinfonet.org/employerlocator)
7. Set Google Alerts on Employers
8. Join HR-Related, Employer and Association LinkedIn Groups
   – Employers share challenges and solutions with each other
   – Engage in key discussions and share success stories
9. Explore company websites *(annual report)*
10. Guidestar.com *(find info on non-profit organizations who are also employers and potential partners)*

LinkedIn....How networked are you?

Get Engaged in Conversations with Employers & Veterans Online

🔒 Veteran Mentor Network

The mission of this group is to combat veterans unemployment and to provide effective coaching to veterans and service-members.

Veterans: You can expect to find answers to your most challenging questions through virtual coaching. You will be paired with a mentor based on your unique interests and questions.

Mentors: You can expect to positively impact the life of a veteran or service-member by providing coaching and managing your relationship with your veteran.

End-state: Help veterans achieve their professional goals while making a powerful and well-thought out transition to the next phase in life - whatever that may be.

Join Group   ✉➡ Share group ⚠ Report as...

http://www.linkedin.com/veterans

Focus on Employers' NEEDS vs. the Features and Benefits of Your Products/Services

Your Starting Point

*Who? What? Where? When? Which? Why? How?*

- **Who** – are you going to target?

- **What** – do you want to sell them?

- **Where** – are they located?

- **When** – will you approach them?

- **Which** – are the appropriate target personnel?

- **Why** – would they want to meet with you?

- **How** – will you reach them?

PLANNING IS ESSENTIAL!

Do you know the biggest challenges currently facing your employer partners?

Ask employers:

"In your current role, what keeps you awake at night regarding your workforce (currently, in 3-6 months, in a year)?"
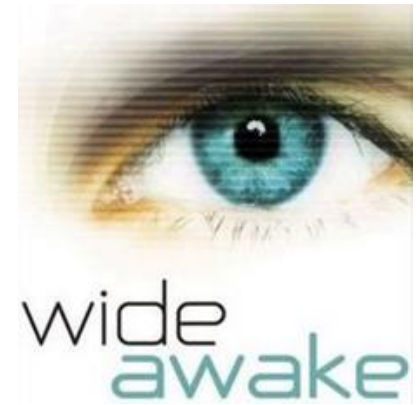
- ✓ Probe…*"Tell me more about that"*…Ask if they have a strategy and solution to solve their challenges.

- ✓ Understand the employer's values, needs and challenges before offering solutions or support.

- ✓ Where do Workforce Development's goals and services overlap or align with the employer's needs?

- ✓ Look for the low-hanging fruit first…*small wins matter*!

- ✓ To achieve commitment, know how Workforce Development adds value to the employer.

Relating to Employers
Establishing Rapport

Are you building **TRUST?**

Are you a **PARTNER ADVOCATE** or a **WATCHDOG?**

Do you know your **STUFF?**

Are you tracking your contacts, employer needs assessments, research and findings for appropriate and timely **FOLLOW-UP?**

All Employers ARE NOT Alike!

Avoid the "One-Size-Fits-All" Approach

Engage Employers

- ✓ Each organization has a different way of recruiting and relating; don't assume all employers are alike.

- ✓ When approaching an employer, identify with their personality and adjust your communication style to put them at ease.

- ✓ Speak the language of the employer's business.

- ✓ Help employers "see" how and why they would benefit from partnering with you. *Case studies….ROI analyses…PROOF!*

- ✓ Create educational opportunities for employers. *Webinars….*

- ✓ Create networking opportunities for employers by industry or occupation.

- ✓ Develop an employer-led advisory committee to address common challenges and share best practices.

- ✓ Set Google Alerts to stay up-to-date about key employer partners, layoffs, community involvement, etc.

Making Connections
It's All About the Relationship FIRST

- ✓ To connect with employers, be patient and find ways to touch their hearts and you will win their hearts forever!

- ✓ They will, in time, become an extension of you—*inspired ambassadors*—supporting a shared and common vision.

- ✓ Don't be afraid to ask employers for what you want.

- ✓ Leverage your network.

- ✓ **Most important, laugh and have fun with each other!**