



When is an Applicant an Applicant?

A Summary of the OFCCP's Internet Applicant Recordkeeping Rule

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When do employers need to be concerned about the new rules regarding Internet Applicant Recordkeeping published by the Office of Federal Contract Compliance Program (OFCCP)?

If your organization conducts even a very small amount of business with the Federal government and you use technology in your hiring process, the new OFCCP Internet applicant recordkeeping rules should be applied. The OFCCP has defined Internet applicants as those individuals who express interest in a specific job and possess the basic qualifications for that job. The new definition helps narrow down the number of job seekers who are defined as applicants for OFCCP recordkeeping purposes. Although the ruling clarified and changed the definition of an Internet applicant, in practice it did not change the best practice recommendations for developing and maintaining a personnel selection system.

Why Was This Ruling Needed?

Beginning in late 2000, the Office of Federal Contract Compliance Programs (OFCCP) began requiring organizations and agencies that contract (or subcontract) with the Federal government to collect information about the gender, race, and ethnicity of each applicant for employment. This information is used by the OFCCP to evaluate contractor compliance with nondiscrimination and/or affirmative action requirements. However, the Internet and other related technologies can make it difficult to comply with these requirements when there is a large influx of electronic applications. Job-seekers can “blast” their résumé to hundreds of companies, and employers can search millions of résumés, all with just a few clicks of the mouse. This combination has resulted in an exponential increase in the number of potential “applicants,” which has had a direct impact on those organizations who fall under OFCCP guidelines.

The OFCCP recognized the potential record keeping burden that contractors might face, and has since provided an expanded definition of “Internet Applicant” which went into effect February 6, 2006. This paper provides a summary of the components of the Internet applicant definition, PreVisor’s best-practice recommendations for complying with the ruling, as well as some of the OFCCP’s answers to frequently asked questions. This information is provided as a reference to readers, but does not

constitute legal advice. Contractors are encouraged to consult with legal counsel for specific guidance and compliance assistance, or to contact their regional OFCCP office.

Final Definition of an Internet Applicant

The OFCCP defines an Internet applicant as one who satisfies the following four criteria:

1. The individual submits an expression of interest in employment through the Internet or related electronic data technologies;
2. The contractor considers the individual for employment in a particular position;
3. The individual’s expression of interest indicates the individual possesses the basic qualifications for the position; and,
4. The individual at no point in the contractor’s selection process prior to receiving an offer of employment from the contractor, removes himself or herself from further consideration or otherwise indicates that he or she is no longer interested in the position.

In order to be defined as an Internet applicant, each of these four criteria must be satisfied. Although the criteria are interrelated, if an Internet applicant does not meet one (or more) of the criteria, he/she is not considered an Internet applicant based on the OFCCP definition.

These four criteria are expanded upon below.

1. The individual submits an expression of interest in employment through the Internet or related electronic data technologies.

There are two parts to this criterion: (a) submits an expression of interest in employment, and (b) through the Internet or related data technologies. For the first part, submitting an expression of interest in employment includes any indication of interest in employment, including applications, résumés, cover letters, etc. For the second part, the expression of interest must be made through the Internet or related electronic data technologies.

The OFCCP provides the following examples of commonly-used electronic data technologies, but does not limit the definition to the following:

- Electronic mail/email
- Fax
- Résumé databases
- Job banks
- Electronic scanning technology
- Applicant tracking systems/
Applicant service providers
- Applicant screeners

The OFCCP has clarified that expressions of interest made (or received) using a cell phone or Voice over Internet Protocol (VOIP), whereby the transmission is an individual voice communication, does not qualify under the Internet applicant rule.

2. The contractor considers the individual for employment in a particular position

The OFCCP further defined this criterion as “the contractor assesses the substantive information provided in the expression of interest with respect to any qualifications involved with a particular position” (OFCCP, 2005, p. 58962). Essentially, this means that by opening, reviewing, reading, etc. an expression of interest and then evaluating the information *with regards to the requirements of a specific job*, the individual has now been considered for employment and meets this criterion. Further, the OFCCP requires that a record of all expressions of interest made through the Internet or related electronic data technologies and considered by the employer be retained.

The ruling made clear that just because a person indicates interest in a particular position, the contractor does not have to consider that person an applicant if the pre-defined hiring process was not followed. In general, the ruling suggested that contractors have freedom to determine their own selection process, but that they must apply it consistently. If there is a need to limit applications through certain channels, or use specific basic qualifications for a position, then the process needs to be followed consistently and does not allow exceptions for some applicants. In other words, any process used for one applicant should be available for all applicants. For example,

if an alternate channel for applying is submission of a paper résumé, then all individuals must be allowed to submit an application in this manner. Applicants that use this alternate channel are considered in the same pool of applicants for OFCCP reporting purposes, even if they did not use an electronic submission method. This does not mean the OFCCP will not critically evaluate the content of the process or the adverse impact caused by the process; they are definitely concerned about that, and hence, so should contractors.

3. The individual’s expression of interest indicates the individual possesses the basic qualifications for the position

The term “basic qualifications” refers to those qualifications that the contractor has either advertised or established in advance, and must include each of the three following elements:

- Noncomparative
- Objective
- Relevant

Noncomparative

- Refers to the absolute nature of the qualification, as opposed to one that is relative.
- For example, having three years of sales experience is noncomparative (absolute), whereas ranking applicants based on sales experience and requiring “qualified” applicants to be in the top five of the rankings is a comparative procedure (relative).

Objective

- Refers to the extent to which the BQ is free from individual bias or interpretation. More specifically, “a basic qualification is objective if a third-party, with the contractor’s technical knowledge, would be able to evaluate whether the job seeker possesses the qualification without more information about the contractor’s judgment” (OFCCP, 2005, 58954).
- For example, having a degree from a “good” school is subjective and open to interpretation, whereas having a Bachelor’s degree in Engineering is objective.

Relevant

- Refers to performance in a particular position and enables the contractor to accomplish business-related goals.
- The OFCCP purposely created the new phrase “business related” goals and intended it to convey a more relaxed standard than the well known phrase “business necessity.” This latter phrase, business necessity, is typically understood to mean that validation evidence (e.g., content or criterion-related validation) is required to demonstrate a link between the selection procedure and individual job performance. The OFCCP introduced the term “business related” goals to indicate they would look for some indication that BQs were linked to job performance, but acceptable evidence of this might fall short of a full validation study.
- Like other aspects of the ruling, this language did little to change the actions contractors should take in developing BQs. That is, validation is still the best practice in implementing BQs. This is the case for two reasons: First, validation is the best method for ensuring that your BQs are set appropriately. Secondly, if the BQs have adverse impact the OFCCP retains the right to audit them and require proof of “business necessity.”
- The OFCCP further explains that they “will continue to look broadly at all aspects of a contractor’s compliance with its obligations to refrain from discrimination in recruitment, hiring, and other employment practices, including the possible adverse impact of screens for basic qualifications” (OFCCP, 2005, p. 58947). If a contractor is found to be out of compliance, then the basic qualification(s) will be evaluated under the more stringent definition of being job related and consistent with “business necessity.” Essentially, this means that contractors should consider the impact of BQs on protected groups, and take the necessary steps to establish job relatedness and business necessity if adverse impact is anticipated or evident.

PreVisor offers its clients consulting services in order to demonstrate and document the job relatedness and business necessity of basic qualifications through a process known as validation. The validity of basic

qualifications can be established through various means, including content validation (e.g., using subject matter experts to link basic qualifications to the job) and criterion-related validation (e.g., documenting a statistical relationship between the basic qualification and job performance).

Content validation is the most likely method to be used by PreVisor in validating BQs. There are various methods to establish the content validity of BQs.

PreVisor typically utilizes the following process:

1. Conduct a thorough job analysis to determine the knowledge, skills, and abilities (KSAs) needed to perform the job at entry.
2. Work with a small group of subject matter experts (e.g., current job incumbents and/or their managers) to generate potential BQ statements.
3. Survey a larger group of SMEs to collect various ratings of potential BQ statements regarding level of BQ, links to KSAs, and other pertinent information
4. Analyze the survey results
5. Select final BQs based on survey results and other factors (e.g., adverse impact potential, industry/occupational requirements, etc.)
6. Document entire process and results in a comprehensive technical manual

This content validation process used by PreVisor is based on the Uniform Guidelines (EEOC, 1978), current professional literature and practices (e.g., Buster, Roth, & Bobko, 2005; Levine, Maye, Ulm, & Gordon, 1997; Society for Industrial and Organizational Psychology, 2003), and various precedent setting court cases involving basic qualifications (see Buster et al., 2005 for a review).

Importantly, the OFCCP has stated employment tests used in a selection process are not considered basic qualifications for the purposes of the Internet applicant definition, and that, for those applicants completing an employment test, contractors are required to retain records of applicants’ gender, race, and ethnicity regardless of whether they are defined as Internet applicants or traditional applicants (OFCCP, 2005). However, nothing in the final rule precludes the use of pre-employment tests elsewhere in the selection process. In fact, in a recent interview, OFCCP’s Program Operations Director (Harold Busch) and Director of Testing (Dr. Richard Fischer), both “strongly encouraged

contractors not to be scared away from testing – but to learn and follow accepted professional standards for test development and use” (Norris, 2005). Properly developed and validated pre-employment tests are an effective and legally-defensible method for (a) confirming the level of knowledge, skill, or ability (KSA) indicated by applicants during the basic qualification stage, and (b) reducing the number of applicants who meet the basic qualifications (and other elements of the definition of an Internet applicant) who progress on to more costly and labor-intensive stages of the selection process, such as interviews. Regarding the legality of using tests, Dr. Fischer stated, “if you take care of psychometrics [referring to validity and reliability], legal defensibility will take care of itself” (Perry, 2006).

4. The individual at no point in the contractor’s selection process prior to receiving an offer of employment from the contractor, removes himself or herself from further consideration or otherwise indicates that he or she is no longer interested in the position.

This fourth criterion focuses on determining when applicants have removed themselves from the process and to what extent organizations can make those determinations on their own, without direct input from the applicants. The first aspect of this criterion, “removes himself or herself from further consideration” is relatively straightforward – if an individual expressly states that he or she is no longer interested in the position, then that individual is no longer considered an applicant. If an individual does provide an express statement to this effect, it should be logged by the contractor for purposes of recordkeeping and adverse impact analyses. However, the OFCCP specifies that the contractor must retain “any race, ethnicity, or gender information which the individual already provided, as well as the individual’s expression of interest” (OFCCP, 2005, p. 58958) even if the individual withdraws him/herself from further consideration, provided he/she has previously qualified as an Internet applicant.

The second aspect of this criterion, “or otherwise indicates that he or she is no longer interested” has been clarified by the OFCCP. If an individual exhibits a “passive demonstration of disinterest shown through repeated non-responsiveness to inquiries from the contractor about interest in the position” (OFCCP, 2005, p. 58962), then the individual is no longer considered an Internet applicant. The OFCCP

further indicates the “contractor also may determine that an individual has removed himself or herself from further consideration based on information the individual provided in the expression of interest, such as salary requirements or preferences as to type of work or location of work, provided that the contractor has a uniformly and consistently applied policy or procedure of not considering similarly situated job seekers” (OFCCP, 2005, p. 58962). This statement opens the door for the use of basic qualifications that could determine the extent of fit between job or work environment requirements (e.g., location) and potential applicants’ willingness to perform according to the requirements.

Recordkeeping Requirements

The list of records the OFCCP requires contractors to retain with regards to both traditional and Internet applicants is extensive, including (but not limited to) the following:

- Hiring, promotion, demotion, transfer, layoff, termination, compensation, training
- Requests for reasonable accommodation, physical exams, job postings
- Applications, résumés, expressions of interest
- Tests and test results
- Interview notes
- Applicant gender, race and ethnicity data
- Adverse impact analyses
- Résumé database search criteria and results, for both internal and external résumé databases
 - Recognizing that external résumé databases (e.g., Monster.com) contain tens of millions of résumés, the OFCCP suggests methods of randomly selecting résumés that qualify as Internet applicants as defined.

The length of time that these records must be retained depends on the contractor’s number of current employees and/or the size of the federal contract. Contractors with fewer than 150 employees or a contract of less than \$150,000 must retain these records for one year. Those with at least 150 employees and a contract of \$150,000 or more must retain these records for two years. If the contractor is involved in an OFCCP action or investigation, these records must be retained until the action/investigation is complete.

Final Comments

Since the year 2000, the OFCCP has required contractors to maintain records on applicant race, ethnicity and gender. This ruling helped define who is an Internet applicant for OFCCP purposes, given the technologies available today. Specifically, the ruling clarified those applicants who don't follow contractors' standard hiring process or are not minimally qualified for the job of interest will not be considered in OFCCP adverse impact calculations. Although some clarity was added to the definition of an Internet applicant, in practice the rule did little to change the best practice recommendations that contractors should follow in implementing and maintaining their hiring processes. The OFCCP stated they "will continue to look broadly at all aspects of a contractor's compliance with its obligations to refrain from discrimination in recruitment, hiring, and other employment practices, including the possible adverse impact of screens for basic qualifications" (OFCCP, 2005, p. 58947). This language seems to suggest that even those people who do not meet the definition of an internet applicant could one day be included in the applicant pool if the level of adverse impact of a hiring system is viewed by the OFCCP as "discriminatory." Contractors are therefore still admonished to collect race, ethnicity and gender information on applicants as early as possible in the process. Collection of these data early on in the hiring process will allow contractors to monitor for any adverse impact that might be caused by a recruiting or screening practice.

In addition, the ruling highlighted the importance of validation evidence for both basic qualifications and employment tests. The ruling indicated that if non-comparative (basic qualifications) or comparative (selection testing) procedures caused adverse impact, then both would be held to a similar standard for validation evidence.

In its entirety, the ruling helps define who is an Internet applicant, but in practice the ruling does not change the hiring system implementation and maintenance procedures contractors should have already been following. Job analysis and validation evidence should be established for any part of the hiring process used to make decisions about applicants and adverse impact should be monitored while the hiring system is in use. In general, following standard best practices like those recommended by PreVisor will aid contractors toward being compliant with OFCCP requirements for personnel selection systems applied to both traditional and Internet applicants.

Sources for Additional Information

The best source of additional information is the OFCCP website itself, including their own comprehensive FAQs page:

www.dol.gov/esa/regs/compliance/ofccp/faqs/iappfaqs.htm

This page is updated periodically with new FAQs and covers a variety of categories related to the final rule. A few select FAQs from this site have been included in Appendix A of this paper.

If you haven't already read the text of the final rule, which includes supplementary information and examples, it can be found at:

www.dol.gov/esa/regs/fedreg/final/2005020176.pdf

Additional information on contractor data tracking can be found at:

<http://www.dol.gov/esa/regs/compliance/ofccp/directives/dir265.htm>

There are a plethora of independent articles, white papers, presentations, and other information available on the Internet reflecting a variety of opinions and interpretations.

Your PreVisor representative can also provide information regarding the OFCCP Internet applicant rule as it regards to PreVisor's products and services.

Finally, given the broad implications and potential consequences of the new rule, seeking legal counsel from an experienced employment and labor law firm is highly recommended.

References

- Buster, M.A., Roth, P.L., & Bobko, P. (2005). A process for content validation of education and experience based minimum qualifications: An approach resulting in federal court approval. *Personnel Psychology, 58*, 771-799.
- Equal Employment Opportunity Commission. (1978). *Uniform Guidelines on Employee Selection Procedures*. *Federal Register, 43*, 38290-38315.
- Levine, E.L., Maye, D.M., Ulm, R.A., & Gordon, T.R. (1997). A methodology for developing and validating minimum qualifications (MQs). *Personnel Psychology, 50*, 1009-1023.
- Norris, J.A. (2005, March 4). *Employment testing practices coming under increasing scrutiny by OFCCP, EEOC*. Equal Employment Advisory Council, Washington, DC.
- Office of Federal Contract Compliance Programs (2005). 41 CFR Part 60-1, Obligation to solicit race and gender data for agency enforcement purposes; final rule, *Federal Register, 70* (194), 58946-58963.
- Office of Federal Contract Compliance Programs (2006). Internet Applicant Recordkeeping Rule FAQs. Retrieved October 20, 2006 from <http://www.dol.gov/esa/regs/compliance/ofccp/faqs/iappfaqs.htm>
- Perry, L. (2006, August 31). Tests and the OFCCP. Retrieved September 30, 2006, from <http://www.berkshire-aap.com/info/news/ofccptests.aspx>.
- Society for Industrial-Organizational Psychology. (2003). *Principles for the validation and use of personnel selection procedures* (4th ed.). College Park, MD.

Appendix A Select FAQs from the OFCCP Website

(1) Submit an Expression of Interest via Internet

Q: What standard applies to the solicitation of demographic information if a contractor considers both electronic and traditional paper expressions of interest for the same position?

A: When a contractor considers expressions of interest for a position via both the Internet or related electronic data technologies and paper applications, the Internet Applicant standard applies to the solicitation of demographic information from all applicants for that position.

Q: If a contractor uses the Internet to advertise a position but requires all individuals to complete a paper application form, will the individuals that apply be considered Internet Applicants?

A: No. It is not the method of advertising a job that determines the applicability of the Internet Applicant rule. Rather, the determining factor is whether the expression of interest in employment was made through the Internet or related electronic data technologies.

Q: Do the regulations apply to the job title or to the contractor? Specifically, if the contractor uses the Internet Applicant rule for some positions (e.g., professional and technical), but not for others (e.g., entry level blue collar and clerical), are all of the expressions of interest received by the contractor covered by the Internet Applicant rule, or only those relevant to a particular position where the Internet or other electronic technology was used?

A: The regulations' definition of "Internet Applicant" applies on a position-by-position basis. The new rule applies only to those positions for which the contractor uses the Internet or related electronic technologies.

(2) Contractor considers individual for employment

Q: Is a contractor required to consider for employment every job seeker who expresses an interest in employment through the Internet and possesses the basic qualifications for a particular position?

A: No. OFCCP does not provide a blanket requirement that contractors must consider any and all expressions of interest they receive, regardless of the manner or nature of the expression of interest - even if the job seeker possesses the basic qualifications. If the contractor has established standard procedures that job seekers must follow in order to express an interest in employment, the contractor does not have to consider those individuals who do not follow those procedures. Similarly, the contractor does not have to consider for employment individuals who do not specify a particular position, so long as that is the contractor's consistent practice. Additionally, if there are a large number of expressions of interest, the contractor may limit the number of individuals it considers by using random sampling, absolute numerical ceilings, or other data management techniques, provided the sampling procedure is appropriate.

Q: Does a contractor "consider" an individual merely by running a (basic qualifications) search that brings up the individual's resume, if the contractor never opens the resume?

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

Q: Can a company use a BOT to search an external database to fill a position? [A BOT (short for "robot") is a program that operates as an agent for a user or another program or simulates a human activity. On the Internet, the most ubiquitous bots are the programs, also called spiders or crawlers, that access Web sites and gather their content for search engine indexes].

A: Yes. BOT searches of external resume databases are treated the same as other methods for searching external resume databases. The BOT may be used to search for basic qualifications for the position without retaining a copy of all resumes reviewed. If the BOT searches beyond the basic qualifications, the company could be found in violation of the Executive Order if it failed to maintain the resumes of each individual that met the basic qualifications. Other records required to be maintained regarding searches of external resume databases also must be maintained for BOT searches of such databases.

Appendix A Select FAQs from the OFCCP Website

(3) Basic Qualifications	
Q: Can the basic qualifications be modified during the selection process, or do they need to be set prior to the beginning of the process?	A: All basic qualifications must be established prior to the selection process. Basic qualifications are the qualifications advertised to potential applicants as being required in order to be considered for the position. If the contractor does not advertise for the position but, for example, searches an external resume database, the contractor must make and maintain a record of basic qualifications to be used in the search prior to considering any expression of interest for that particular position.
Q: Can the contractor exclude from further consideration any individual who does not fulfill the basic qualifications summary of skills required in the contractor's advertised job description?	A: Yes, if the basic qualifications meet the requirements under the Internet Applicant rule and the basic qualifications have been uniformly and consistently applied to all other similarly situated individuals.
Q: Can the contractor screen for basic qualifications through questions in the on-line application?	A: Yes, provided that the contractor has a uniformly and consistently applied policy or procedure of not considering similarly situated job seekers based on their responses to the questions and the questions are consistent with screening for "basic qualifications." Note that if a question had an adverse impact on minorities or women, the contractor would have the obligation to show that the question is job related and consistent with business necessity.
Q: How will OFCCP determine whether a complex, technical qualification standard is objective?	A: A basic qualification is objective if a third-party, with the contractor's technical knowledge, would be able to evaluate whether the job seeker possesses the qualification without more information about the contractor's judgment.
(4) Removes from consideration	
Q: Is a telephone screen a reasonable step to determine if the individual is interested in the location, salary, or hours of the specific position before defining the individual as an Internet Applicant?	A: The Internet Applicant rule does not specify how or when in the selection process a contractor may screen for a job seeker's interest in the specific position, keeping in mind that the interest screens should be facially neutral and consistently and uniformly applied to similarly situated job seekers. Note that the Internet Applicant rule requires maintenance of records identifying job seekers contacted regarding their interest in a particular position.
Q: Can the employer exclude an individual from further consideration if the individual declines to complete the employer's on-line employment application completely as instructed?	A: Yes, provided that the contractor has a uniformly and consistently applied policy or procedure of not considering similarly situated job seekers.
Q: If a job fair recruiter suggests that a job seeker apply for a position through a specific requisition, and the job seeker fails to do so, is the job seeker an applicant or an Internet Applicant?	A: No, provided that the contractor has a uniformly and consistently applied policy or procedure of not considering similarly situated job seekers. Note that discrimination in recruitment also is prohibited by the Executive Order. It would be discrimination for a recruiter to treat job fair job seekers differently based on race, gender or ethnicity in terms of providing specific requisition information.

Appendix A

Select FAQs from the OFCCP Website

Recordkeeping requirements
<p>Q: When should contractors collect race, ethnicity, and gender data?</p>
<p>A: Under the Internet Applicant rule, contractors are required to solicit race, ethnicity, and gender data from all individuals who meet the definition of “Internet Applicant” or the traditional definition of “applicant” depending upon which standard is applicable to the particular position. OFCCP does not mandate a specific time or point in the selection process that contractors must solicit this information, so long as the information is solicited from all Internet Applicants or traditional applicants, as appropriate.</p>
<p>Q: Since the rule does not establish a time or point in the process for soliciting race/ethnicity/gender data from Internet Applicants, can contractors wait until after the hiring decision, or after interviews, to collect this data from all Internet Applicants for the position?</p>
<p>A: Contractors have the obligation to solicit demographic information about applicants or Internet Applicants where possible. Solicitation of demographic information does not need to be made immediately upon determining that an individual is an Internet Applicant, but should not be delayed so long that it is no longer feasible to effectively solicit the information. If delayed too long, the contractor may miss its opportunity to collect demographic information when it was possible to do so and fail to collect the data required by the rule. OFCCP can require that the timing of the solicitation be changed to comply with the regulations. Whether the contractor has waited too long to solicit demographic data will depend on the facts, such as whether the delay caused the contractor to be unable to identify a substantial portion of its Internet Applicant pool, the length of time between identifying an individual as an Internet Applicant and making the final hiring decision, and whether the contractor had reason to know that the delay would decrease its ability to receive responses to its solicitation of demographic information. There may be circumstances when it would be permissible to delay solicitation of demographic data until the interview or hiring stages, and other circumstances when it would not be permissible to do so.</p>
<p>Q: Can contractors make the self-identification of race, gender and ethnicity part of the registration process individuals complete to post their resume on a database?</p>
<p>A: Yes, provided that completing such self-identification is voluntary and failure to do so would not prevent the individual from posting his or her resume. The demographic information reported must be electronically maintained separately from the resume information that will be reviewed during the selection process and job seekers should understand this. For example, some contractors have developed “electronic tear-off sheets” for use with electronic applications that separate reported demographic information to be maintained for record keeping from electronic applications to be reviewed by contractors. OFCCP does not mandate a specific time or point in the employment selection process at which contractors must solicit this information, so long as the information is solicited from all Internet Applicants.</p>