

# Hamilton County LAW LIBRARY NEWS

Professional legal information, services, and education

A Monthly Newsletter from the Hamilton County Law Library

November 2014

## OFCCP's New Scheduling Letter and Expanded Itemized Listing

By Dara L. DeHaven and Leigh M. Nason of Ogletree Deakins. Reprinted with permission.

As many federal contractors know, the Office of Federal Contract Compliance Programs (OFCCP) begins a compliance evaluation (or audit) by sending to the selected contractor a letter scheduling the audit. The listing of documents that accompanies the letter (the "itemized listing") sets forth the information and documentation the contractor is required to produce to OFCCP within 30 days of receiving a scheduling letter. Last week—after more than three years' wait—OFCCP released a revised scheduling letter and itemized listing, which are effective for any audit initiated on or after October 1, 2014. In the itemized listing, OFCCP (i) makes substantial changes to the content and format for reporting compensation data, (ii) expands employment activity data reporting for applicants, hires, promotions, and terminations to include individual race and ethnicity, and (iii) includes documentation of recently -effective requirements under section 503 of the Rehabilitation

Act and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA).

The initial submission of data to OFCCP is now even more important, and the 30-day deadline will be significantly harder to meet.

Below are some of the significant changes made by OFCCP:

- Employment activity data for applicants, hires, promotions, and terminations must now be reported by individual race and ethnicity, rather than by the "minority" and "non-minority" categories and must include data on applicants for whom race and/or sex is unknown. Curiously, OFCCP requires that contractors combine the Pacific Islander classification with the Asian classification for reporting purposes. The listing does not include "Native Hawaiian" or "Two Or

### Inside this issue:

OFCCP New Scheduling Letter	1
Tech Tip: Coverting PDFs to Word	2
Free CLE	3
New Outreach Librarian	3
You and the Legal System: Divorce and Dissolution	6
Family Law Resources	7

### Hamilton County Law Library

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Room 601  
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[www.http://www.hamilton-co.org/cinlawlib/](http://www.hamilton-co.org/cinlawlib/)

(Continued on page 4)

# Tech Tip: Learn How to Convert PDF files to Word Documents Using Free Software.

by Julie Koehne, Assistant Law Librarian, Systems

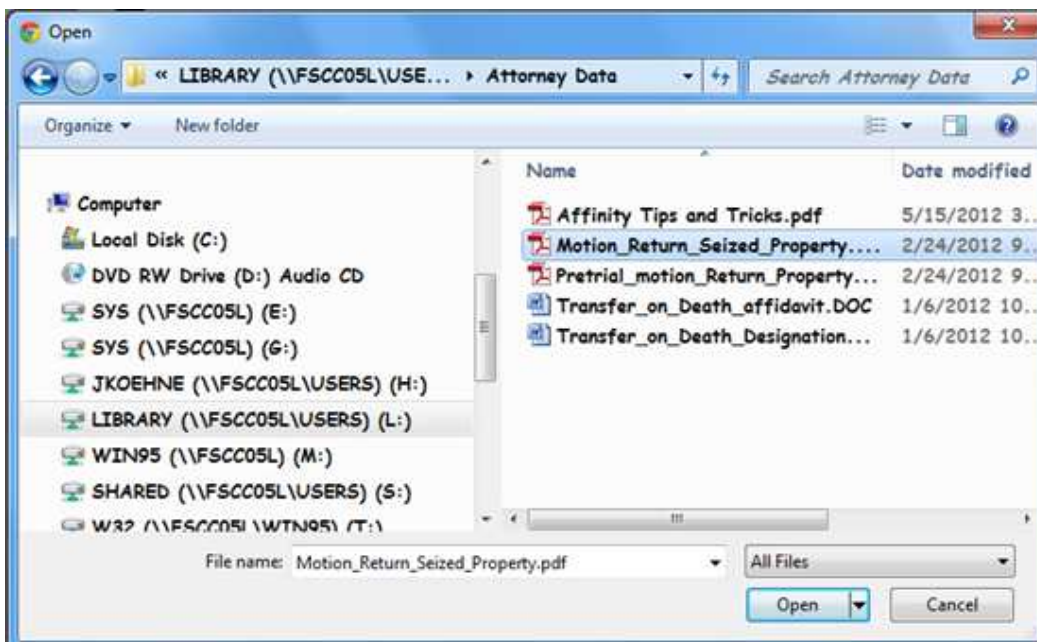
**Step 1:** Go to <http://www.pdfonline.com/pdf-to-word-converter/>



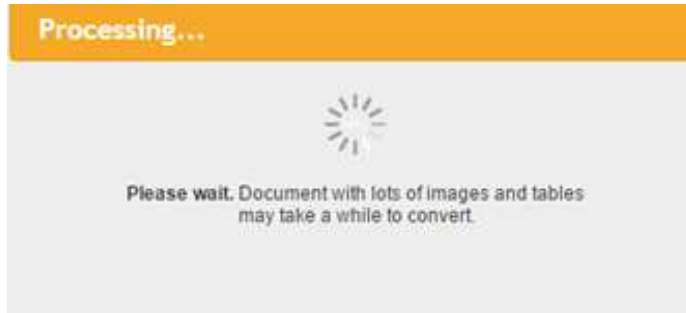
**Step 2:** Read the Terms and Conditions at <http://www.pdfonline.com/popups/terms.htm>

**Step 3:** Click on the orange "Upload a File to Convert" button.

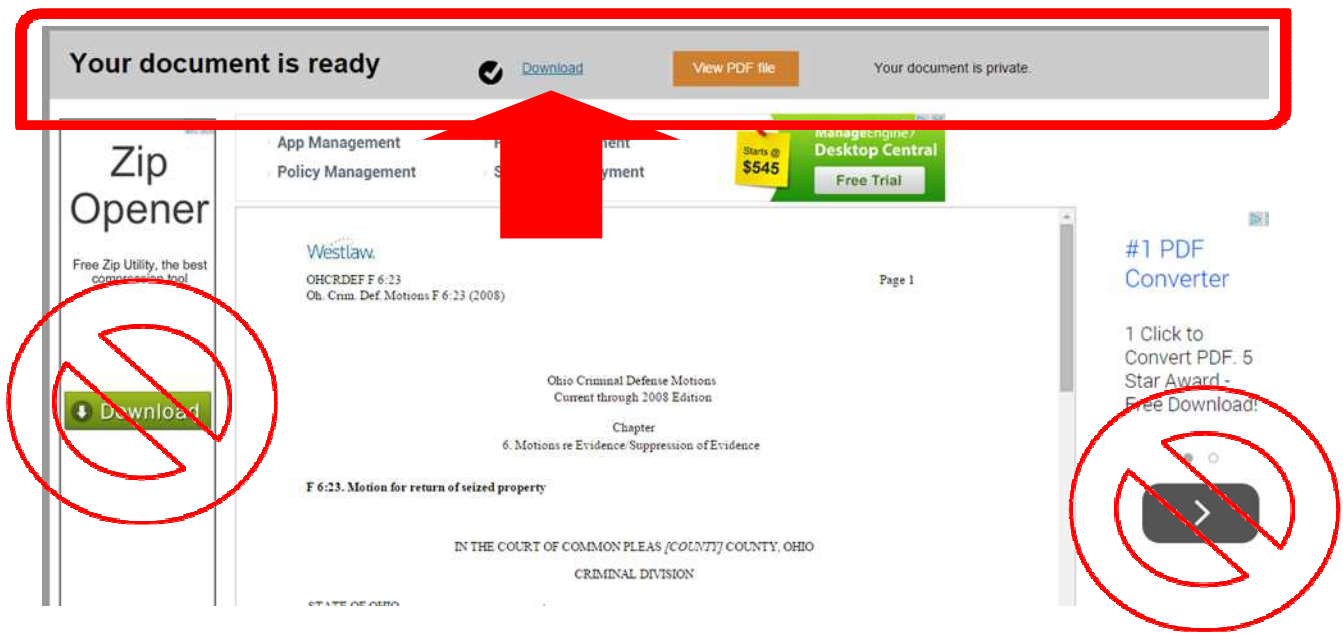
**Step 4:** Open the file you wish to convert.



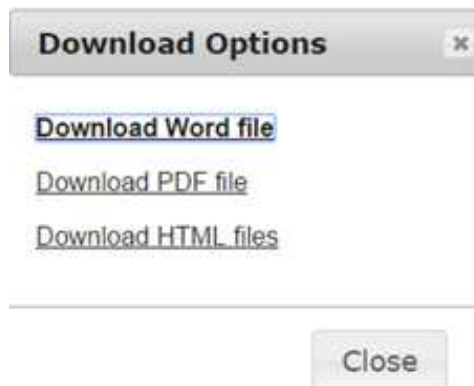
**Step 5:** Wait while the application converts your file so you may edit it.



**Step 6:** When the following page comes up, you will see what the document looks like after conversion. To retrieve the file for editing, click on **Download** at the top of the page to the right of “your document is ready”. Note: Do not click on the download buttons on the left and right margins; they are advertisements.



**Step 7:** Click on “Download Word file.”



**Step 8:** Save the document.

**Step 9:** The converted version keeps the formatting and you are able to edit the document.

*(Continued from page 1)*

More Races,” categories and thus does not align with the seven racial categories used in the annual EEO-1 report. Most contractors collect and report data in the format required by the EEO-1 report, and it is not clear if OFCCP will continue to accept data in that format.

- Among the information that OFCCP requires contractors to produce is a definition of “promotion,” and they must also explain the basis upon which promotion data was compiled. For example, OFCCP has traditionally focused on promotions “from” a job group in analyzing such data. However, many contractors consider some personnel actions within a job group to be a promotion.
- In a major change from prior aggregate compensation reporting requirements, contractors must submit individualized compensation data as of the date of the workforce analysis in their affirmative action program (AAP). The data required to be submitted includes hire date, job title, EEO-1 category, and job group. “Compensation” is broadly defined to include bonuses, incentives, commissions, merit increases, locality pay, or overtime, which must be reported separately for each employee as well as the hours worked in a typical workweek. Contractors may also provide additional factors used to determine compensation such as education or performance ratings. Interestingly, the listing instructs contractors to include full-time, part-time, contract, per diem or day labor, and temporary employees, many of whom are not typically included in an AAP or required to be reported on the EEO-1 form. Contractors should carefully consider this addition.
- Contractors are also required to submit compensation policies or other documenta-

tion that explains the factors they use to determine compensation.

Additional information requested under section 503 and VEVRAA include the following:

- the results of the evaluation of the effectiveness of outreach and recruitment efforts for qualified individuals with disabilities and for protected veterans;
- documentation of all actions that the contractor has taken to comply with audits and reporting systems;
- documentation of the data collection and three-year comparisons described in 741.44(k) and 300.44(k) (job openings, jobs filled, number of disabled and protected veteran applicants and hires, and total number of applicants and hires);
- the utilization analysis evaluating the representation of individuals with disabilities in the contractor’s workforce;
- documentation of the veterans hiring benchmark that the contractor has adopted; copies of reasonable accommodations policies and requests;
- an assessment of personnel processes, including the date that the contractor performed the assessment, that the contractor took action, and the date of the next assessment; and
- an assessment of mental and physical qualifications, including the date of the assessment, actions taken as a result, and the date of the next assessment.

### **What This Means For Contractors**

OFCCP’s new Scheduling Letter and Itemized Listing increase the risk and difficulty of audits for contractors. While experienced contractors and subcontractors may find the increased documentation and reporting obli-

gations easily manageable, we anticipate that some contractors and subcontractors will find these obligations—like those imposed by recent OFCCP directives, rules, and presidential executive orders—burdensome

Dara L. DeHaven is a shareholder in the Atlanta office of Ogletree Deakins and a member of the firm's Affirmative Action and OFCCP Compliance Practice Group.

Leigh M. Nason is a shareholder in the Columbia office of Ogletree Deakins, and she chairs the firm's Affirmative Action and OFCCP Compliance Practice Group. - See more at:

<http://blog.ogletreedeakins.com/ofccps-new-scheduling-letter-and-expanded-itemized-listing/#sthash.U7LEkKAj.dpuf>

## Outreach Librarian Hired

It's a pleasure to welcome Lauren Morrison to the library staff full-time as our outreach librarian, a new position here, following her internship and a part-time, temporary role here recently. Lauren earned a J.D. from the University of Cincinnati, College of Law (2005) and an M.L.I.S. from Kent State University (2014). She practiced law at the Legal Aid Society of Southwest Ohio for seven years.

The outreach librarian is responsible for growing the law library's outreach and collaboration with stakeholders and diverse prospective library users. The outreach librarian also provides reference service daily and participates in the library's instruction program as well as other library services and projects.

## Upcoming CLEs

Free to subscribers; \$50 for non-subscribers  
To register, call 513.946.5300 or via email [reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org)

### Lexis CLE: Lexis Advance Preview

Presenter: Mallory Coakley

Thursday, November 6

Noon-1pm

Approved for 1.0 hour of general credit in Ohio

### Social Media Update: Recent Cases and Best Practices

Presenter: Laura Dixon-Caldwell

Wednesday, December 17

Noon-1pm

Approved for 1.0 hour of general CLE credit in Ohio.

Kentucky credit is pending.

## Offsite CLE: Getting It Right – Know Your Fiduciary Responsibilities

We are pleased to sponsor a CLE (1.0 general credit in Ohio) on November 13, 2014 at 12:00 noon at Interact for Health at 3805 Edwards Road. Advance registration is required. Sherry L. Brackney, CEBS, of the US Department of Labor Employment Benefits Security Administration, will speak on the fiduciary responsibilities of and standards of conduct for retirement plan administrators. The speaker will identify basic rules associated with the Employee Retirement Income Security Act (ERISA) and will address the scope of ERISA's protections for private-sector retirement plans with a brief explanation of the law and regulations.

To register, call 513.946.5300 or via email [reference@cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org)



## Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to 6 weeks at a time

Access to extensive electronic databases from the Law Library, including LexisNexis, Shepard's, Westlaw, IntelliConnect, Hein Online Law Journals and Federal Register, and over 70 Aspen /LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

5 meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

Inexpensive CLE seminars throughout the year, on legal research and substantive topics

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/ LOISLaw treatises and IntelliConnect.

## You and the Legal System: Divorce or Dissolution: What's the Best Way to Go?

Attorney Jon Sinclair is our next speaker in the *You and the Legal System* series for the public. Mr. Sinclair will discuss Divorce and Dissolution on Friday, November 21 at noon in the Law Library. The program is free to the public. To register, call 513.946.5300.

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact Laura Dixon-Caldwell at 513.946.5300.

*You and the Legal System* is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. The November program will be our last in the series for this year. Check back in early 2015 for the new schedule, or ask us to add you to the mailing list.

For more information on divorce in Ohio, check out our research guide here- <http://libguides.hamilton-co.org/divorce>



## Family Law Resources

The Law Library offers a variety of print and online resources on family law. If you have questions about access to any of these resources, just call us at 531.946.5300.

Advanced topics in family law  
KFO100.A75 2012

Anderson's Ohio Family Law  
KFO94 .A95 2014

Child Custody  
KFO104.6 C48 2012

Divorce in the golden years: estate planning, spousal support, and retirement issues for clients at midlife and beyond  
KF535 .S49 2010

Family law from A to Z  
KFO100.A75 A391 2011

Family law trial evidence handbook: rules and procedures for effective advocacy

Introduction to domestic relations practice  
KFO100 .I6 2013

Lesbian, gay, bisexual and transgender family law  
KF505 .J678

Ohio family law handbook  
KFO94 .A96 2014

Sowald and Morganstern domestic relations law  
KFO94 .S72 2014

What domestic relations court judges and magistrates want you to know  
KFO94 .D751 2011

## Online Resources-Remote Access **Aspen/Loislaw Family Law Treatise Library**

Drafting Prenuptial Agreements  
Property Division in Divorce  
Proceedings: A Fifty State Guide  
Valuation Strategies in Divorce  
Valuing Specific Assets in Divorce  
Value of Pensions in Divorce  
Child Support Guidelines:  
Interpretation &  
Application  
Psychological Experts in Divorce Actions  
American Journal of Family Law

## **EBSCO**

Building a Parenting Agreement That Works  
Divorce & Money  
Divorce After 50  
Judge's Guide to Divorce  
Nolo's Essential Guide to Divorce\*  
Legal Guide for Lesbian & Gay Couples\*  
Living Together\*  
Parent Savvy  
Prenuptial Agreements

\*Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

## **Research Guides**

Check out our Family Law Research Guides:

[http://libguides.hamilton-co.org/  
child\\_custody](http://libguides.hamilton-co.org/child_custody)

[http://libguides.hamilton-co.org/  
child\\_support](http://libguides.hamilton-co.org/child_support)

<http://libguides.hamilton-co.org/divorce>

## Upcoming Events:

**November 6:** Lexis CLE: Lexis Advance Preview

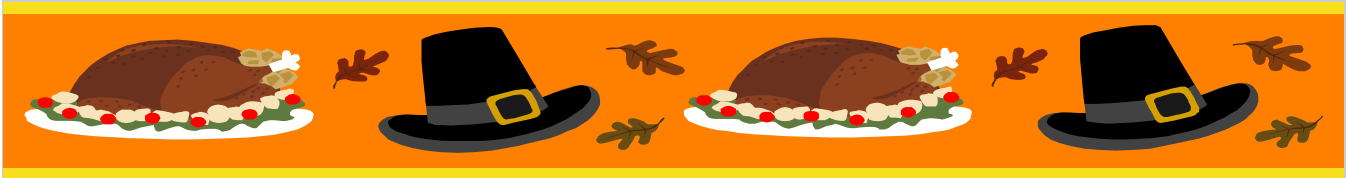
**November 13:** CLE: Getting It Right: Know Your Fiduciary Responsibilities

**November 21:** You and the Legal System: Divorce or Dissolution: What's the way to go?

**December 17:** Social Media CLE

Law Library Holidays:

The Law Library will be closed on Thursday, November 26 and Friday, November 27 in observance of Thanksgiving.



# November 2014 Law Library Newsletter

**INSIDE THIS MONTH**

- Federal Contracting Update
- Tech Tip: Converting PDFs to Word
- New Outreach Librarian
- CLE

ADDRESS CORRECTION REQUESTED

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1000 Main Street, Room 601  
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