The Role of Training in Performance of Office of Federal Contract Compliance Programs (OFCCP) Compliance Officers: Summary of Findings

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In 2018, the Chief Evaluation Office (CEO) of the U.S. Department of Labor (DOL), in cooperation with the Office of Federal Contract Compliance Programs (OFCCP) of DOL, contracted with Mathematica to conduct a study of training provided to OFCCP staff. This report presents a summary of findings from the study.

OFCCP protects workers and promotes equal employment opportunities. It does so by ensuring that about 200,000 contractor establishments that do business with the federal government comply with legal requirements to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran (U.S. Government Accountability Office [GAO] 2016). In support of this mission, OFCCP sets compliance standards, conducts audits, reviews personnel practices, investigates complaints, and provides compliance assistance resources to educate contractors about their responsibilities and to enforce related requirements. The stakes for this work are high: OFCCP requirements affect about one of every four workers in the United States (GAO 2016).

Well-trained equal opportunity specialists, commonly known as compliance officers (COs), who understand the importance of OFCCP's mission and the complexity of the work, are critical to the agency's ability to evaluate contractor compliance and investigate complaints appropriately. Compliance evaluations are the investigation and review processes used by OFCCP to measure compliance with nondiscrimination and affirmative action employment regulations, conducted through compliance review, off-site review of records, compliance check and/or focused review (U.S. Department of Labor n.d). Complaint investigations are reviews of written allegations submitted to OFCCP by, or on behalf of one or more employees/applicants alleging that they have been the victim of discrimination or retaliation prohibited by employment regulations (U.S. Department of Labor n.d).

A report by the GAO in 2016 found that contractors perceived inconsistencies in how OFCCP district offices and regions applied compliance standards, and that compliance evaluations often took longer than the timelines set by the agency. The report recommended "maintaining a level of competence [among COs] to help ensure quality and consistency of evaluations across regions and district offices" (p. 24).

In response to the GAO report, OFCCP applied for accreditation for the training it provides to COs from the International Association for Continuing Education and Training (IACET) and implemented IACET's required process for maintaining a high-quality training program. These efforts included developing a core competency model for COs in 2017 that reflects the skills they must have to successfully perform duties (see Appendix A). OFCCP was recognized in 2019 as an accredited training provider and has since developed and delivered several trainings for COs following IACET guidelines. [1] Among its many efforts, the Training, Education, and Program Development branch in the Division of Policy and Program Development at OFCCP introduced a series of additional training courses. This current report is focused on two core training courses and a set of three additional trainings introduced between 2019 and 2021.

1. The Complaint Perfection and Investigation training (referred to as the CI training in this report) was introduced in 2019 and addressed skills related to investigating complaints against contractors.

2. The Analytical Decision-Making with the Desk Audit Triage Approach training (referred to as the ADM training in this report) was introduced in 2020 and rolled out through early 2021. The training

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[1] Additional information on the OFCCP response to the GAO report is available at:
https://www.gao.gov/products/gao-16-750

addressed skills related to evaluating contractor compliance, which represent the majority of cases COs complete.

3. OFCCP also conducted three additional trainings in 2020 and 2021 on interviewing, negotiation, and collaborative communication, which are general skills that COs use in both complaint investigations and compliance evaluations.
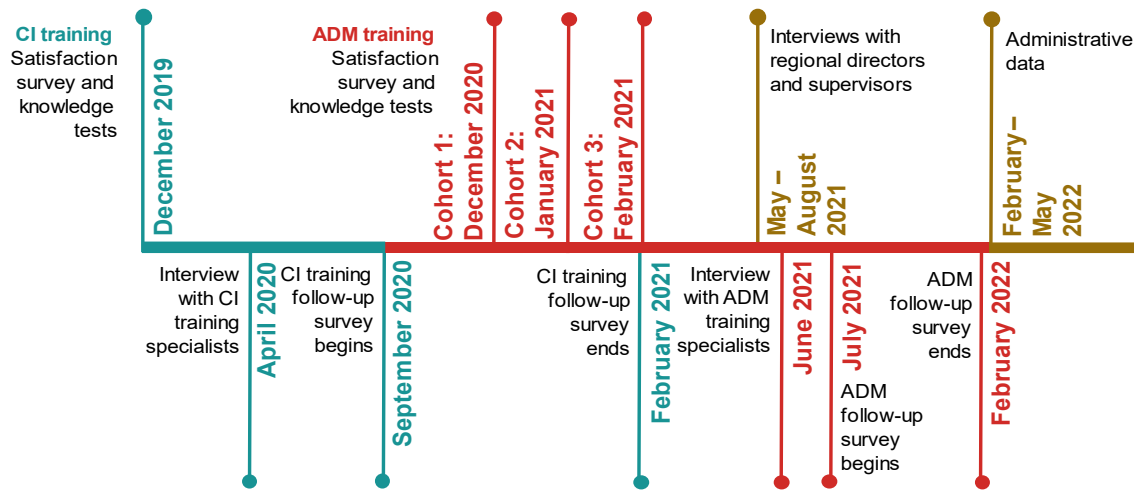
A. Research Questions

To examine how these new training courses unfolded and how they might have affected the accuracy and efficiency with which COs process cases, the OFCCP Compliance Officer Training Study answered four research questions:

1. How were the CO training courses designed, implemented, and received?

2. How is CO competency defined and recognized?

3. What was the efficiency of processing cases following implementation of the new training courses? What was the efficiency and consistency across regions, contractors, and case types as reflected in administrative data following that implementation? How do managers and COs perceive the change in accuracy and efficiency of processing cases following that implementation?

4. What do study findings suggest for further improving the efficiency of processing cases?

B. Data Sources and Analytic Samples

Answering the research questions required a multifaceted approach to analyzing training courses, CO knowledge, and the relationship between the courses and improved accuracy and efficiency in processing cases. To ensure our report captured multiple dimensions, we used both qualitative and quantitative measures; captured efficiency as reflected in objective measures of case processing time; measured perceptions; and captured knowledge gain, retention, and the application of knowledge to the job. Figure I.1 shows a timeline of data collection.

Figure I.1. Timeline for study data collection spanned December 2019 to May 2022

CI training
Satisfaction survey and knowledge tests — December 2019

ADM training
Satisfaction survey and knowledge tests

Cohort 1: December 2020

Cohort 2: January 2021

Cohort 3: February 2021

Interviews with regional directors and supervisors — May – August 2021

Administrative data — February – May 2022

Interview with CI training specialists — April 2020

CI training follow-up survey begins — September 2020

CI training follow-up survey ends — February 2021

Interview with ADM training specialists

ADM follow-up survey begins — June 2021

July 2021

ADM follow-up survey ends — February 2022

Note: CI activities are shown in teal; ADM activities are shown in red; data collection activities that include both trainings are shown in brown.

Note: The ADM six-month follow-up survey included questions about the interviewing, negotiation, and collaborative communication trainings.

ADM = Analytical Decision-Making with the Desk Audit Triage Approach training; CI = Complaint Perfection and Investigation training.

We collected data from six sources under this approach:

1. **Satisfaction surveys.** Mathematica developed a satisfaction survey for the CI and ADM training courses that collected feedback from COs about their experience as training participants as well as some key characteristics about COs including job classification, years of experience and assigned region.

2. **Knowledge tests and quizzes.** The multiple-choice knowledge tests and quizzes that OFCCP developed and embedded before (pre-test), during, and at the end (post-test) of the CI and ADM training courses captured knowledge gained during the course.

3. **Six-month follow-up surveys.** All COs who completed the training course and continued to work at OFCCP were invited to voluntarily complete a survey developed by Mathematica about 6 to 12 months after both the CI and ADM trainings. The survey for the ADM training also included questions about the interviewing, negotiation, and collaborative communication trainings, as there was not a separate instrument. Given the small sample sizes, we analyzed the data for all respondents in the aggregate and could be underestimating the ability of staff to retain what they learned from training six months after the training.

4. **Training course evaluation form.** Mathematica developed a training course evaluation form to collect descriptive information about how the CI and ADM training courses were delivered. The form compared each course against hallmarks of effective workplace training derived from the literature by the study team (see Box 1).

5. **Manager interviews.** The study team conducted semistructured, one-on-one telephone interviews with 15 managers at OFCCP on knowledge attainment and development, quality assessment, and supports for training courses. Five regional and deputy regional directors were interviewed,

representing six regions.[2] Ten supervisors were interviewed in total from across the six regions. Two members of the OFCCP training unit which developed the training protocols were also interviewed about the trainings.

6. **Administrative data.** The study team obtained data extracts from OFCCP's new case management system (NCMS) to measure the efficiency[3] of case processing after the CI and ADM trainings. The extracts included compliance evaluation and complaint investigation cases that were opened and closed between October 2019 and December 2021, representing the time period following the CI and ADM trainings.[4]

Box 1. Hallmarks of effective workplace training derived from the literature

Gaining and retaining knowledge

1. Clearly state and focus objectives on employee needs (Hoiberg and Berry 1978; Salas et al. 2012; Sitzmann et al. 2006; Tannenbaum et al. 1991; Liebermann and Hoffmann 2008; Chyung 2001; Ramsden and Entwistle 1981)
2. Use an employee-managed process (Garrison 1997)
3. Rely on interactive content delivery (McVey 2014; Perry et al. 2010)
4. Assess knowledge during training (Kirkpatrick and Kirkpatrick 2013)

Applying knowledge to the job

5. Connect training content to job duties (Salas et al. 2012)
6. Practice applying knowledge on the job (Salas et al. 2012)
7. Assess knowledge application after training (Mullaney 2007)
8. Support continued knowledge application (Villachica et al. 2011)

Source: Literature review conducted by study team.

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[2] One regional director was also acting regional director in a different region.

[3] We define *efficiency* to mean the number of days to initiate or perform each step necessary to process cases.

[4] Compliance evaluations cases included supply and service cases only. Construction cases were excluded because they are outside the scope of this study.

The response rates for the survey efforts are shown in Table I.1.

Table I.1. Sample sizes and response rates on survey data sources

Data source	Survey sample[a]	Respondents	Response rate
CI satisfaction survey	319	255[b]	80%
CI pre-test	319	274	86%
CI post-test	319	290	91%
CI six-month follow-up survey	295	211	72%
ADM satisfaction survey	260	213[b]	82%
ADM pre-test	260	151	58%[c]
ADM post-test	260	253	97%
ADM six-month follow-up survey [d]	252	143	57%

Source: Surveys conducted for study.

[a] Survey sample includes individuals who received the survey and are assumed to have taken the training.

[b] Each satisfaction survey includes 50 responses that could not be linked to unique ID numbers. These responses are assumed to be distinct individuals and not duplicates, so they are included in the total respondent count.

[c] Pre-test data for one of the three cohorts of training attendees were missing.

[d] The ADM six-month follow-up survey included questions for respondents who also attended the interviewing (n=89), negotiation (n=89), and collaborative communication trainings (n=91).

ADM = Analytical Decision-Making with the Desk Audit Triage Approach training; CI = Complaint Perfection and Investigation training.

Data collected for the study are specific to the experiences of COs and managers included in the data collection and may not be generalizable among broader populations of COs or those outside of OFCCP. In addition, the measures of efficiency and consistency reported in the study cannot be interpreted as impacted by the trainings because of the study methods used.

C. Complaint Perfection and Investigation Training Course

The CI training course was designed to equip staff with the skills to address complaints according to OFCCP guidelines, including to identify perfection (which is the process of determination of OFCCP authority to investigate the complaint) and complaint investigation procedures and timelines, identify and use appropriate tools, and resolve discrimination complaints. The CI training assessed for this study was delivered online from December 2019 to January 2020 via eight modules; the estimated duration was 10 hours. The training was asynchronous, meaning it was pre-recorded, accessible on demand, and available for participants to complete at any point in the designated time frame. The following findings emerged from analysis of data related to the training:

- **The CI training aligned with five of the eight hallmarks of effective workplace training derived from the literature.** The training course had clearly stated objectives, periodically assessed how trainees were acquiring knowledge during the training, and connected the material taught during training to CO job duties. Seventy-two percent of respondents to the course satisfaction survey agreed or strongly agreed the content of the training will help them do their job better. COs also had opportunities to practice applying what they learned in training on the job, and to receive ongoing support after training from district and regional staff.

- **A majority of respondents to the course satisfaction survey were satisfied with the CI training.** Sixty-seven percent of respondents indicated they were very or somewhat satisfied with the CI training course. Eighteen percent of respondents were neutral, neither satisfied or dissatisfied. CI cases are rare, half of respondents had not worked on any CI cases in the past year, and 74 percent had worked on less than 10 cases in their tenures at OFCCP.

- **The average knowledge scores were observed to be higher on average after the CI training than before the training, but lower at the 6-month follow up.** The average post-test score (94 percent) was nearly 13 percentage points higher than the average pre-test score (81 percent). Scores for knowledge questions on the six-month follow-up survey were 20 percentage points lower on average than scores on the matching questions in the training course module quizzes.

- **Perceptions of managers and follow-up survey respondents were mixed as to whether the CI training influenced accuracy and efficiency of cases.** Four of the 15 managers interviewed perceived improvement in accuracy or efficiency of complaint cases. Forty-eight percent of follow-up survey respondents reported that the training course improved the accuracy of their work, and 42 percent reported that it improved the efficiency of their work.

- **Administrative data showed differences in efficiency of complaint investigations across regions and type of complaint.** Following the CI training, fully investigated[5] complaint investigations took 87 days to initiate the on-site investigation, 114 days to initiate the off-site investigation, and 227 days to close, on average.

72% of respondents to the course satisfaction survey agreed or strongly agreed the content of the training **will help them do their job better.**

67% of respondents indicated they were very or somewhat satisfied with the CI training course

The average post-test score was nearly **13 percentage points higher** than the average pre-test score.

Average score
Pre-test: **81%** Post-test: **94%**

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[5] Fully investigated cases have been transferred to an OFCCP field office for investigation, completely investigated, and issued a Notice of Results of Investigation (NORI)

Following the CI training, fully investigated complaint investigations took

114 days to initiate the off-site investigation

87 days to initiate the on-site investigation

227 days to close, on average

D. Analytical Decision-Making with Desk Audit Triage Approach Training Course

The ADM training was designed to teach staff how to triage a compliance evaluation case during a desk audit by applying critical thinking skills and using various available tools. The training combined pre-recorded videos and three live sessions conducted via webinar with a total duration of about five to six hours. The training was offered to two regions at a time over three sessions in December 2020, January 2021, and February 2021. The following findings emerged from analysis of data related to the training:

- **The ADM training aligned with six of the eight hallmarks of effective workplace training.** The training's hybrid format, with pre-recorded videos and live trainings in cohorts, and the use of interactive and engaging materials and presenters, aligned particularly with the hallmark of relying on interactive content delivery. Eighty-three percent of respondents to the course satisfaction survey agreed or strongly agreed the training content was directly applicable to their job duties.

- **A majority of respondents to the course satisfaction survey were satisfied with the ADM training.** Seventy-six percent of respondents indicated they were very or somewhat satisfied with the ADM training course. There were no substantial differences in satisfaction ratings from COs who have been with the agency for more than 10 years and those who have been with the agency for fewer than 10 years.

**83%** of respondents to the course satisfaction survey agreed or strongly agreed the training content **was directly applicable to their job duties.**

76% of respondents indicated they were very or somewhat satisfied with the ADM training course

The average post-test score was **19 percentage points higher** than the average pre-test score.

Average score

Pre-test **75%**

Post-test **94%**
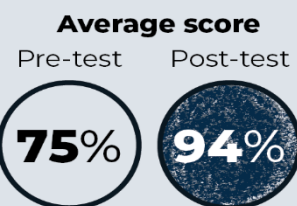
One CO described the ADM training as "one of the most valuable trainings I have received during my 10+ years with the agency."

- **The average knowledge scores were observed to be higher after the ADM training than before the training, but lower at the 6-month follow up.** The average post-test score (94 percent) was 19 percentage points higher than the average pre-test score (75 percent). Scores for knowledge questions on the follow-up survey were 17 percentage points lower on average than scores on the matching questions in the post-test quiz.

- **Perceptions of managers and follow-up survey respondents were mixed as to whether the ADM training influenced accuracy and efficiency of cases.** Seven of the 15 managers interviewed perceived improvement in accuracy or efficiency of compliance evaluations, particularly because of increased CO skill and confidence in using tools in desk audits. Twenty-nine percent of follow-up survey respondents reported that the training course improved the accuracy of their work, and 39 percent reported that it improved the efficiency of their work.

- **Administrative data showed differences in efficiency of compliance evaluations across regions, district offices, and contractor industry.** Following the ADM training, fully investigated compliance evaluations took 63 days to initiate the desk audit, 137 days to initiate the on-site review, 154 days to initiate the off-site review, and 196 days to close, on average. Desk audits took 41 days, on average, to complete. Among cases with violations, the time from initiating the conciliation agreement to signing the conciliation agreement was 8 days; monitoring lasted 142 days. Across regions, there were modest differences in the time to reach the steps for processing compliance evaluation cases. In some regions, the time to complete the desk audit varied greatly across district offices. The time to reach case processing steps varied modestly based on the contractor's industry.

Following the ADM training, fully investigated compliance evaluations took

154 days to initiate the off-site review

63 days to initiate the desk audit

137 days days to initiate the on-site review

192 days to close, on average

E. Additional Trainings: Interviewing, Negotiation, and Collaborative Communication

The OFCCP national office offered three additional trainings for all COs in 2020 and 2021 that addressed skills required for both compliance evaluations and complaint investigations. The study team did not observe the three additional trainings and were unable to assess them against the eight hallmarks of effective workplace training. In addition, the study team did not collect information from training knowledge assessments or pre- and post-tests and did not measure knowledge gain, retention, or application as was done with the CI and ADM trainings. Findings for each training include:

1. **The Interviewing for Compliance Officers training course** covered interview planning, interviewing techniques, and analysis of interviewee behaviors and launched in May 2021. The training comprised seven self-paced online modules that included instruction time, a knowledge assessment after each module, and an end-of-course evaluation. Seven managers interviewed for the study provided positive feedback about the interviewing training, including a good balance of self-paced and interactive learning, and a focus on useful skills such as how to read body language to

determine whether someone is being honest. Fifty-six percent of ADM follow-up survey respondents that attended the interviewing training reported that the training course improved their interviewing skills.

2. **The Negotiating for Compliance Officers training course** covered negotiating terms of conciliation agreements including roles, techniques, and transitioning to mediation when necessary. The training comprised four instructor-led webinars (Modules 1–4), two self-paced asynchronous online modules (Modules 5 and 6), knowledge check assessments, and an end-of-course evaluation (Module 7). Four managers said that they received mostly positive feedback on the training from their staff, and three noted that the training was especially helpful for managers. Fifty-five percent of respondents to the ADM follow-up survey that attended the negotiating training reported that the course improved their negotiation skills.

3. **The Collaborative Communication Workshop training course** provided a framework for effective communication in the workplace by helping COs reflect on their own communication styles, learn about different types of communication and conflict, and practice applying conflict resolution and collaborative communication strategies. The course was a half-day, instructor-led training with four sections, breakout room group activities and group discussions, as well as pre- and post-tests. Two managers noted that staff found the self-assessment they completed before the training very useful. Sixty-six percent of ADM follow-up survey respondents who participated in the collaborative communication training reported that the training improved their communication skills, even though managers did not report finding a clear connection between training and improved CO communication.

F. Recommendations

The study team's assessment of the trainings as well as feedback from managers and COs indicate that OFCCP's new approach to training has several strengths relative to past approaches. These include:

1. More engagement and interaction, which was particularly important during a time when most staff were working from home

2. More knowledge checks and ongoing gathering of feedback to support staff focus and knowledge retention

3. Smaller groups of regionally specific training to enhance participation and consistency in case processing

The assessment also suggested that there is room for improvement, particularly in terms of individualized support in follow-up to trainings, and in cross-regional coordination of training.

The feedback from managers and COs suggest some considerations for changes to the trainings, including the following:

- **Use more examples**, such as potential scenarios from actual cases in different industries, involving different discrimination problems, or among employees with different job titles to demonstrate how cases vary and possible challenges and solutions

- **Incorporate case study work and opportunities for discussion** (both during and after training), as well as time for questions and answers to improve application of training to the job

- **Add refresher trainings and reference material and offer fewer and shorter trainings** to align with manager and CO workloads

- **Test understanding rather than terminology** in training-related assessments to help develop skill with applying concepts

- **Consider topics for additional training** suggested by managers, including compensation and pay analysis groups, foundational statistics, working with complainants, and collecting data from contractors, to further prepare COs in managing cases

Recognizing that there are costs associated with these recommendations, OFCCP should consider where additional support would be the most cost-effective in terms of benefits for greater accuracy and efficiency in case work.

G. Training Enhancements Implemented Since Study Data Collection

In addition to developing the core competency model for COs and developing accredited trainings following IACET's guidelines as discussed in this report, OFCCP continues to improve its training process and described additional changes that have been implemented since the study's data collection ended in 2022. An interview with a member of OFCCP's national office in early 2023 suggests that changes were influenced by feedback from regional directors and were responsive to many of the study findings.

Reported changes included:

- **Improvements to the communication with OFCCP staff about changes in procedures.** These improvements specifically focused on sharing changes with frontline managers in a standardized way across regions to enhance the consistency of information and knowledge across staff.

- **Additional refresher trainings.** The interview described the development of plans for additional refresher trainings offered through short sessions, focused on specific tools that COs use in their cases.

- **Specialization of training.** The interview described introducing trainings that are targeted by the experience level of the workforce to better tailor the content to the differing skill levels of COs. For example, the certification curriculum for onboarding new COs has received significant updates. In addition, there is an added focus on case studies throughout the program, with increased difficulty levels as training progresses. The training program also aims to balance asynchronous work with virtual classroom sessions in response to feedback from staff.

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