

2023

Annual Report

OFCCP OMBUDS SERVICE



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I. Introduction

Established in 2019 as an external organizational ombuds office, the OFCCP Ombuds Service is tasked with enhancing communications and facilitating the fair and equitable resolution of issues and concerns. The Ombuds is a confidential, impartial, independent, and informal conflict management resource available to all agency stakeholders. There are over 25,000 federal contractors and subcontractors along with the consultants and outside counsel who represent them (or contractor representatives), all of whom have access to the Ombuds Service. Workers (referred to in this context as complainants) also contact the Ombuds Service to confidentially discuss issues with their employer, inquire about what the complaint investigation process entails, or seek assistance with concerns they have about a complaint already filed with and investigated by OFCCP. The Ombuds is also available to OFCCP employees, most often when they anticipate neutral assistance might break an impasse or address difficulties they are having with external stakeholders. In an effort to foster an inclusive and collaborative culture where all stakeholders are empowered to manage and resolve conflict as early and efficiently as possible, the Ombuds identifies problems, provides neutral assistance to individuals and groups, analyzes conflict trends, and promotes wider conflict competence across OFCCP.

At the conclusion of each fiscal year, the Ombuds Service publishes information about its core functions, observations, and the activities it has participated in. Accordingly, in *Section II. The Ombuds Service in Practice*, this report introduces the Standards of Practice, responsibilities of the Ombuds, and an overview of the resolution techniques utilized. Within *Section III. Referrals by the Numbers*, the report presents data on the number of referrals (also known as inquiries, cases, requests for assistance, etc.) the Ombuds Service received, when they were received, and who initiated them. *Section IV. Issues Analysis* differentiates between primary issues (what drove someone to make contact) and secondary issues (underlying and/or those which contribute to the primary issue), and then observes any applicable patterns that can be gleaned from the data. A summary of internal and external engagement conducted by the Ombuds is detailed in *Section V. Reach of the Ombuds Service*, as are the methods by which the Ombuds Services evaluates its effectiveness. *Section VI. What the Future Holds* looks ahead to programmatic expectations for fiscal year 2024. The report then concludes with supplemental reading offered in *Section VII. Resources and References*.

The information presented hereafter is intended to be reflective, collaborative, and an opportunity for the Ombuds and entire stakeholder community to learn, strategize, and improve. As such, the Ombuds Service is pleased to present its 2023 Annual Report.

II. The Ombuds Service in Practice

Ombuds are common across the federal government. According to the Coalition of Federal Ombuds (COFO)¹ there were over 200 ombuds working within federal agencies in 2023, but the types of services offered varied from one office to the next. Ombuds from within and outside of the federal sector provide either external services (to populations consisting of external stakeholders), internal services (to populations including internal stakeholders or employees), or some combination of both. Meanwhile, there are a range of modalities in which ombuds offices perform their work. For instance, classical ombuds work in the public sector and typically have investigative authority. They are appointed by legislatures to oversee the impacts that laws, regulations, and governmental policies have on the public. Advocate ombuds are found in both the public and private sectors, usually for the purpose of advocating on behalf of individuals or groups who have allegedly been aggrieved.

The OFCCP Ombuds is an organizational ombuds that serves both internal and external constituencies. Organizational ombuds work in all sectors (governmental, non-governmental, corporate, academic, healthcare, non-profit, etc.) and provide a wide range of conflict management and problem-solving services. Practitioners come from a variety of educational and professional backgrounds, but all who identify with the organizational model commit to the same set of standards and at least similar approaches to implementing them. The remainder of this section elaborates upon the practices of the OFCCP Ombuds.

STANDARDS OF PRACTICE

There are four principles that together serve as the foundation for the Ombuds Service: confidentiality, impartiality, independence, and informality. Adherence to them allows the Ombuds to function ethically, efficiently, and in lockstep with others from the organizational ombuds community. In accordance with the International Ombuds Association (IOA),² the Ombuds Service adopted the following Standards of Practice, which are described in greater detail in the Ombuds Service Protocol.³

FIGURE 1. Standards of Practice Explained
A summary of the Standards of Practice employed by the Ombuds Service.

STANDARDS OF PRACTICE	EXPLANATION
Confidentiality	The Ombuds guarantees confidentiality consistent with federal law. Identifying information is not disclosed outside of the Ombuds Service unless 1) an individual requests or authorizes the Ombuds to disclose, 2) the information is publicly known or in the public domain prior to the time of disclosure, and/or 3) the Ombuds considers there to be imminent risk of serious harm.
Impartiality	The Ombuds does not represent or advocate for anyone (within or outside of OFCCP), holds no vested interest in the outcomes of resolution processes, and does not take sides, direct outcomes in favor of any one person or organization, or allow former and/or current working relationships to influence actions. The Ombuds speaks, listens, and operates nonjudgmentally.
Independence	The Ombuds Service is not aligned with other divisions, work teams, or business units of the agency in order to preserve impartiality, and to allow the Ombuds to move unimpeded within the agency while completing tasks in line with all three of the organizational ombuds essential functions. This type of firewall enables the Ombuds to operate with a necessary degree of discretion free from outside control or influence, act as an early warning system, and serve as a catalyst for change.
Informality	Services offered by the Ombuds are a voluntary alternative to more formal channels. The Ombuds Service can be viewed as an early warning system and catalyst for change, but is not authorized to receive notice of claims and is not a mandated reporter within the Department of Labor (DOL).

RESOLUTION TECHNIQUES

As described in *Section I. Introduction*, ombuds work with individuals and groups to help diagnose the root causes of conflict and develop approaches for managing it. Given that no two conflicts are exactly alike, the Ombuds Service offers resolution techniques that are well suited for addressing the wide variety of unique situations presented. The techniques implemented should work for everyone involved and, as such, the Ombuds will recommend rather than unilaterally impose particular processes, often depending on factors such as the size, scope, and stages of conflicts. Figure 2 explains each, arranged according to the frequency with which they were utilized in fiscal year 2023.

FIGURE 2. Resolution Techniques Utilized

An overview of the resolution mechanisms most frequently utilized by the Ombuds Service.

RESOLUTION TECHNIQUES	EXPLANATION	FREQUENCY
Individual Consultation	Private, one-on-one conversations between a referral source and the Ombuds, which could include active listening, option exploration, and/or a more formulaic approach like conflict coaching.	179
Shuttle Diplomacy	Involves two or more parties who are not yet effectively communicating and have agreed for their conversations to be facilitated by the Ombuds, who relays messages back and forth.	69
Facilitated Dialogue	Two or more parties are brought together for more direct communication, with the Ombuds serving as a neutral facilitator allowing people to better understand often times diverse perspectives.	22
Mediation	When two or more parties designate the Ombuds as the facilitator of their negotiation, typically through a series of joint (everyone together) and private (conversations with only the Ombuds) sessions.	10

Almost all referrals begin with individual consultation, a one-on-one approach to conflict management during which the Ombuds helps people explore their options, provides conflict coaching, or discusses resources available within and sometimes outside of DOL. Most of the Ombuds’ work with complainants and contractors is conducted through individual consultation. Out of the 280 dispute resolution processes tracked in fiscal year 2023, 64% were conducted by only the referral source and the Ombuds working together privately. If two or more parties are open to the Ombuds serving as more of a facilitator, techniques like shuttle diplomacy, facilitated dialogue, and/or mediation are considered as process possibilities.

When the referral source asks or permits the Ombuds to contact other parties involved with a dispute, and the Ombuds agrees that might be effective, shuttle diplomacy is most often utilized (just under 25% of the total and 68% of all facilitative resolution techniques). People are seldom prepared to communicate directly in the earlier stages of conflict, and the likelihood decreases the longer a dispute is allowed to linger and/or escalate. This makes it counterproductive to attempt a facilitated dialogue or mediation without first working with those parties individually. The Ombuds might meet with each party several times, relaying messages back and forth until their issues are resolved or, if not resolved, they are encouraged by the progress made and hopeful about their ability to resume or begin communicating directly. When the Ombuds and/or the parties believe it might be beneficial to meet as a larger group, shuttle diplomacy develops into either facilitated dialogue (when the purpose is for people to gain mutual understandings, discuss roles and responsibilities, confirm next steps, etc.) or mediation (when the purpose is to negotiate a settlement). Facilitated dialogue is most often used when contractor representatives and OFCCP field offices need help getting on the same page, while mediation is primarily used when the Ombuds facilitates OFCCP and contractor negotiations to resolve systemic discrimination findings, or complainant and contractor negotiations to resolve individual discrimination allegations.

III. Referrals by the Numbers

An often-overlooked aspect of the ombuds position is data collection and evaluation. While helping people identify problems and developing plans to begin addressing them, the Ombuds is also focused on tracking information that will later allow for a thorough trend analysis (which will be further explored in *Section IV. Issues Analysis*). Referral information (such as the number of referrals received, when they were received, who initiated them, the issues presented, the number of people involved, etc.) is maintained in a confidential database available only to the Ombuds Service. Without attribution to specific individuals or groups, the Ombuds shares these data internally (by relaying feedback upward with the highest levels of OFCCP senior leadership) and externally (through this report and other forums described later in *Section V*).

QUARTERLY AND ANNUAL BREAKDOWN

Referrals can consist of a single conversation or several months of interactive conflict management work, and therefore might extend through multiple quarters. The data in Figure 3 presents referrals according to the quarter in which they were initially received. The Ombuds Service handled 186 referrals during fiscal year 2023, all but 10 of which were closed before the end of the fiscal year.

FIGURE 3. FY 2023 Referrals by Quarter

The y-axis displays the number of referrals received in each respective quarter of fiscal year 2023.

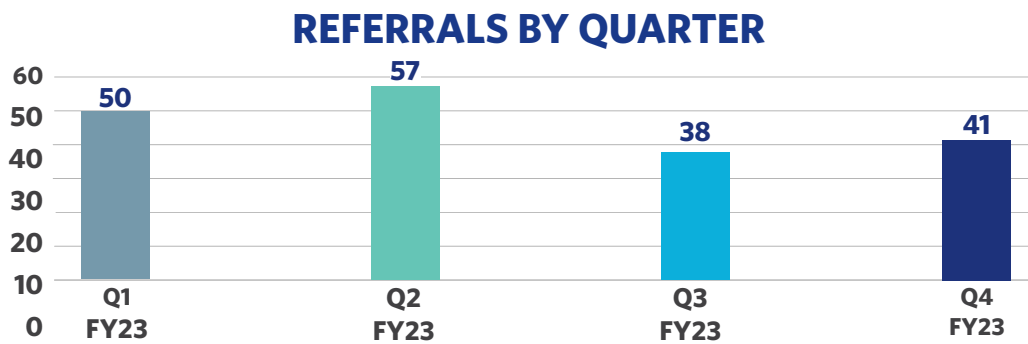
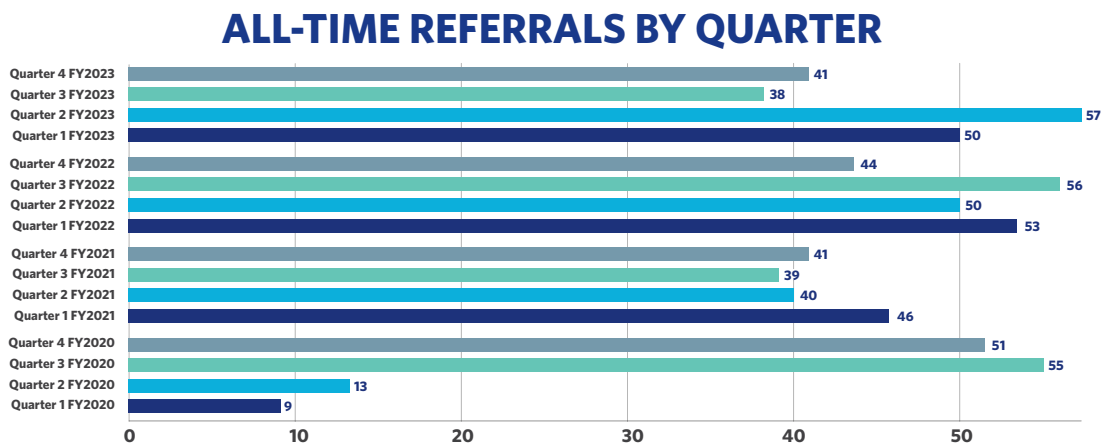


Figure 4. All-time Referrals by Quarter

The y-axis shows each of the quarters during which the Ombuds Service has been in operation, while the x-axis displays the total number of referrals received in each respective quarter.



The referral rate (or the frequency at which new referrals are received) has been stable since the Ombuds Service was officially introduced in May 2020. Through fiscal year 2023, the Ombuds has handled 42.7 referrals per quarter, on average, with quarters one and two of fiscal year 2020 being outliers (the program began receiving referrals while it was still being developed). The second quarter of fiscal year 2023 was the busiest on record thus far, with the Ombuds handling 57 referrals.

SOURCES OF REFERRALS

As mentioned in *Section I*, the Ombuds works with a large pool of stakeholders. The original source of each ombuds referral is noted in the Ombuds’ database, data that is cumulatively evaluated at least quarterly given that it demonstrates which stakeholder groups are most likely to request ombuds assistance, and those with whom the Ombuds should more strategically conduct outreach.

Figure 5. Fiscal Year 2023 Referral Sources

The 186 referrals handled in FY 2023 displayed in correspondence to who initiated them.

FISCAL YEAR 2023 REFERRAL SOURCES

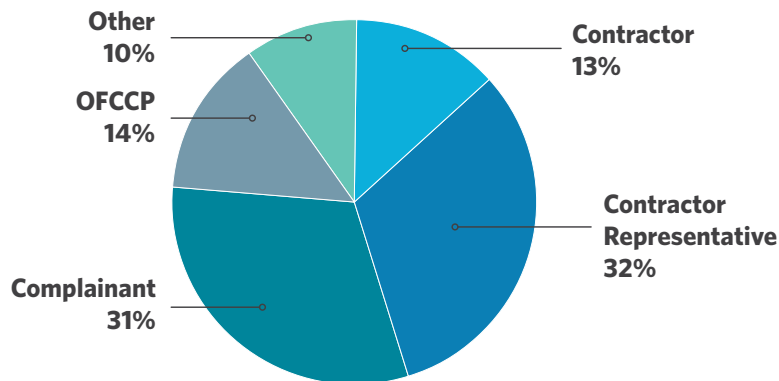


Figure 5 reveals the percentage of ombuds referrals initiated by each of the aforementioned stakeholder groups, along with “Other” (which includes inquiries made by individuals whose issues fall outside of OFCCP’s jurisdiction). The sources of referrals are displayed in Figure 5 and discussed in other sections of this report without disclosing the identities of individuals, companies, or offices who placed them, information that is not available for public disclosure.

IV. Issues Analysis

While a majority of the Ombuds’ time is spent working with individuals and groups to identify and address problems, analyzing trends is an equally essential function of the job. Organizations (like OFCCP) that employ an ombuds seek to better understand what the issues are. The 186 referrals handled by the Ombuds Service in 2023 is a large enough sample size from which patterns can be observed, patterns that allow agency leadership and external stakeholders to comprehend the full breadth of challenges faced along with areas for growth. The following section provides a summary of the issues analysis conducted by the Ombuds in 2023.

PRIMARY ISSUE TYPES

Primary issues are what initiated a referral to the Ombuds. They are generally revealed during preliminary conversations, at which time one of them is attributed to every referral. Unless otherwise noted in the Explanation column, primary issue data displayed in Figure 6 is representative of concerns expressed by both external stakeholders and OFCCP employees.

FIGURE 6. *Frequency and Explanations of Primary Issue Types*

The initial concerns and issues presented to the Ombuds.

PRIMARY ISSUE TYPES	FREQUENCY	EXPLANATION
Need for Guidance	49	Includes questions and/or requests for clarification about affirmative action or other contractor requirements, compliance assistance, OFCCP mandates, use of the contractor portal, the complaint investigation process and/or how to file a complaint, mediation information, etc.
Policy and/or Operational Concerns	19	Primarily expressed by external stakeholders about OFCCP policies and either formal or informal practices of the agency.
Disputed Determinations	10	Initiated by complainants or contractor representatives dissatisfied with the outcome of an OFCCP investigation.
Negotiation Impasses	17	Presented to Ombuds at various points in time, from early in the life of a compliance evaluation to later on during the conciliation process, and on a few occasions leading up to or during complaint conciliation.
Concerns about the Conduct of Personnel	12	When referral sources described others as difficult to work with.
Investigation Concerns	13	Expressed by complainants, contractors, and contractor representatives concerning the length and/or efficiency of ongoing OFCCP investigations.
Communication	15	Ranged from delayed replies to lack of correspondence, to inconsistent or unclear messaging, to incompatible communication styles.
Jurisdiction Disputes	14	Includes contractor or contractor representative requests for administrative closure of compliance evaluations, complainant or contractor representative requests for OFCCP to conduct additional jurisdiction research, etc.
Transparency	5	Concerns regarding the alleged withholding of information that would otherwise be relied upon within OFCCP processes.
Scope of a Review	3	When contractors and/or contractor representatives disagree with the proposed focus of an OFCCP investigation, usually during the early stages of a compliance evaluation.
Extension Requests	3	Raised primarily by contractors and/or contractor representatives when deadlines for submission of data or other information cannot be agreed upon by working directly with the applicable OFCCP office.
Other	26	When the referral source identifies issues and/or concerns unrelated to OFCCP’s jurisdiction, or about other government agencies and their policies.
Total	186	

SECONDARY ISSUE TYPES

Typically, there are a number of factors that contribute to or stem from the primary issue. To paint a clearer picture that accounts for the full scope of issues and concerns, the Ombuds listens for and observes secondary issues, tracking them alongside the primary. Given that they can be the cause and/or effect of the original problem, secondary issues are identified at various stages of a conflict, and there could be multiple per ombuds referral.

FIGURE 7. Total Issues

The number of primary versus secondary issues as well as the overall total.

ISSUE TYPE	FREQUENCY
Primary Issues	186
Secondary Issues	197
Total	383

For instance, it could be early and/or much later in the life of a complaint investigation or compliance evaluation that an external stakeholder claims an OFCCP employee is difficult to work with, or vice versa. If a complainant shares concerns about a district or regional office employee or the investigation they are conducting, open-ended questions about the nature of those concerns is likely to yield a longer, more thorough explanation. If an impasse is reached between OFCCP and a contractor representative, there are reasons for that impasse, possibly even new frustrations as a direct result of the impasse, and both the initial reasons and new frustrations might vary from one party to the next. All of these additional factors are important to understand before developing a course of action.

Seeking a much wider lens of the conflict offers numerous benefits. People’s underlying interests are revealed and, as a result, secondary issues take the form of value statements that the Ombuds uses to explore options for resolution. Figure 8 presents the frequency of secondary issues identified in fiscal year 2023, while Figure 9 distinguishes between each and clarifies which stakeholder groups most commonly express them. Unless otherwise noted, the Explanation section pertains to all stakeholders.

Figure 8. Frequency of Secondary Issue Types

The secondary issues tracked in FY 2023, along with their frequency.

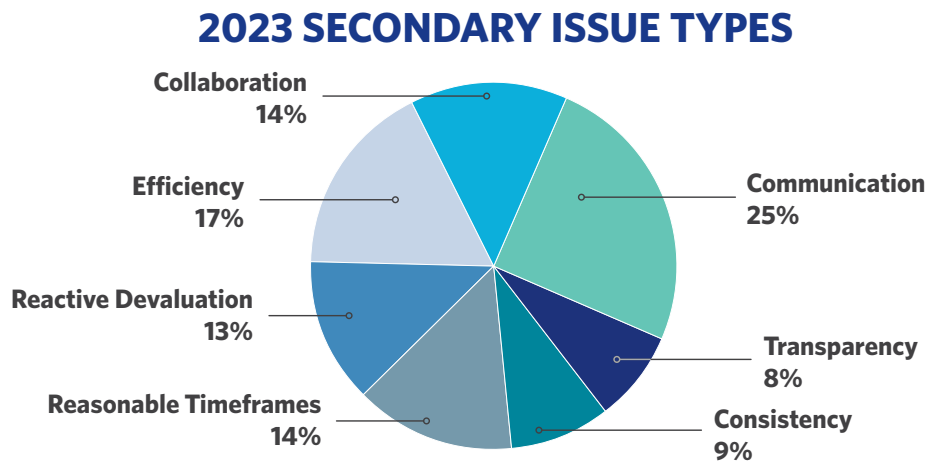


FIGURE 9. Explanations of Secondary Issue Types

The types of underlying issues and concerns revealed when continuing to work with one or more parties, along with explanations of each.

SECONDARY ISSUE TYPES	EXPLANATION
Communication	Frustrations about long gaps in communication, slow replies, unclear messages, aggressive or passive aggressive communication styles, and language interpreted as counterproductive to establishing and/or maintaining collaborative relationships.
Transparency	When either an external stakeholder or OFCCP accuses the other of refusing to reveal necessary information, or operating in a manner that makes it difficult for others to understand what actions are being performed and why. Often times it is perceived to be intentional and without accountability.
Consistency	Most often raised by contractor representatives who observed different practices from one OFCCP office to the next, or when individuals and/or offices are accused of deviating from published agency guidance. Also occasionally raised by complainants who received conflicting information.
Reasonable Timeframes	Introduced by internal and external stakeholders, and most often about seemingly burdensome or unreasonable information requests, unnecessarily lengthy processes, or when someone suggests they need more time and a counterpart believes enough time has already elapsed.
Reactive Devaluation	Disagreeing with, discrediting, or questioning certain individuals or groups and their proposals, language, or behaviors as a learned reaction to a prior dispute. Occasionally this occurs subconsciously, while other times people are aware and explicitly claim that their counterpart is biased.
Efficiency	More likely to be expressed by complainants, contractors, and contractor representatives when individuals or groups within OFCCP suggest processes or request information that appear to be unnecessary and/or counterproductive, or when an entire policy or practice of the agency seemed ineffective from the perspective of an external stakeholder.
Collaboration	Concerns expressed when there are perceptions about an apparent lack of interest for working together, joint problem solving, or striving for mutually beneficial processes and/or outcomes.

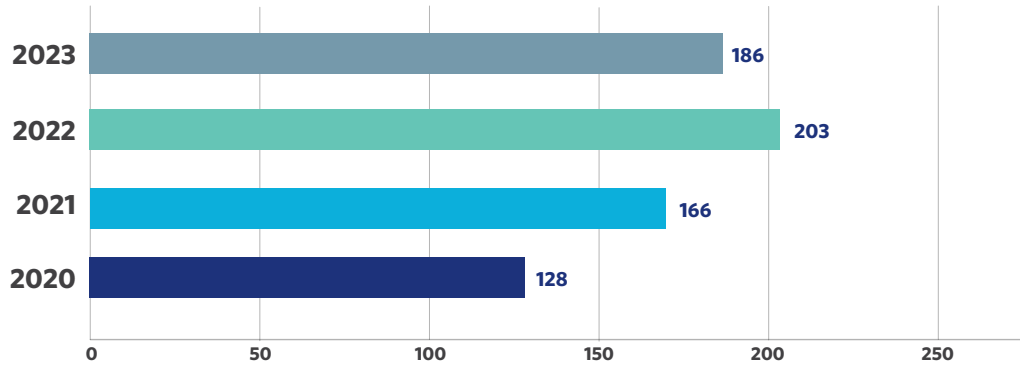
TREND ANALYSIS

Depending on line of business, trend analyses are used for studying data, evaluating behaviors, recognizing applicable patterns, and/or forecasting future performance. With 186 referrals handled in fiscal year 2023, and even higher totals in 2021 and 2022, there is a large enough sample size for the Ombuds Service to conduct meaningful analyses. As such, the Ombuds evaluates data on a regular basis and makes note of any quarterly, annual, and year-over-year trends related to total issues, primary and/or secondary issue categories, referral sources, and effective conflict resolution techniques. Observations are then shared with OFCCP senior leadership and, through the following section of this report, the external stakeholder community.

For the first time since the inception of the Ombuds Service, the total number of referrals fell (from 203 in FY 2022 to 186 in FY 2023). While there could be a number of reasons, there is also a certain degree of year-to-year variation that should be expected when it comes to referral numbers.

Figure 10. Referrals by Fiscal Year

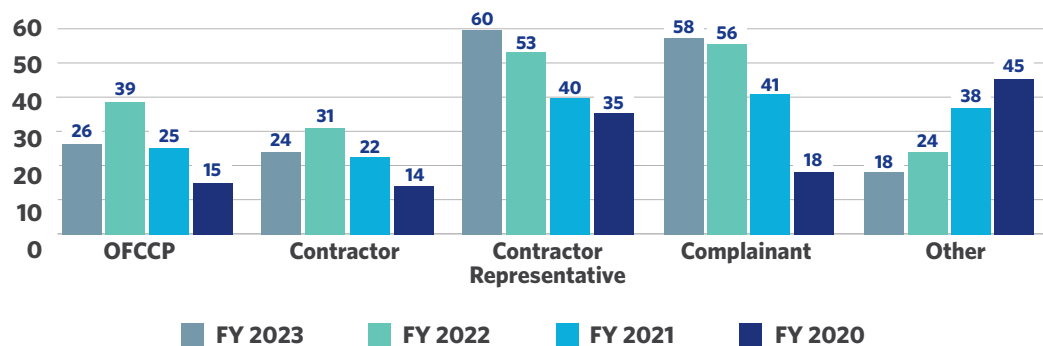
The y-axis shows each of the four fiscal years during which the Ombuds Service has been in operation, while the x-axis displays the total number of referrals received in each respective year.



More important to the Ombuds Service is where those referrals are coming from, what the issues appear to be, how they are being addressed, and the level of satisfaction stakeholders feel with the support provided. It is an encouraging sign that OFCCP employees, contractors, contractor representatives, and complainants all continue to initiate contact with the Ombuds at rates higher than they did in fiscal year 2021 (see Figure 11).

Figure 11. Referral Sources by Fiscal Year

A side-by-side comparison of the referral sources from FY 2020 to FY 2023.



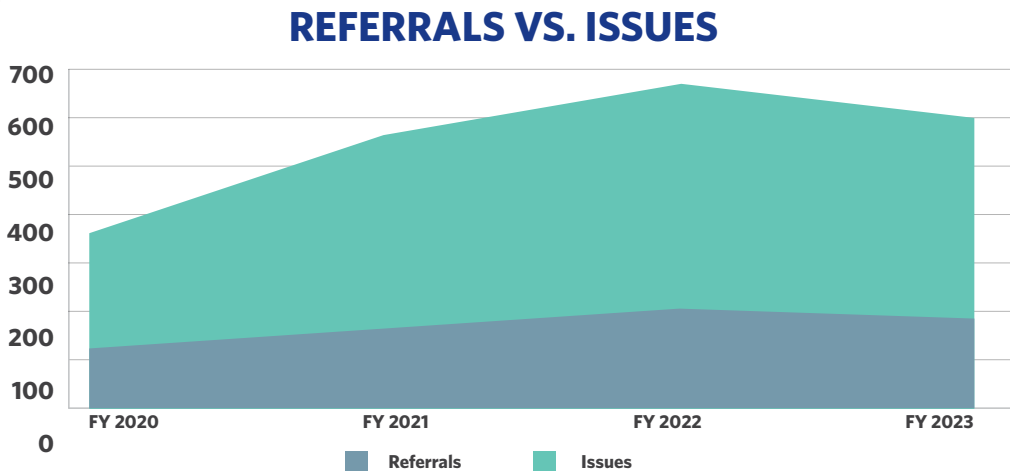
When looking at the past four years, contractor and OFCCP referral source trends are remarkably similar. There were small referral increases from contractors (14 to 22 to 31) and OFCCP personnel (15 to 25 to 39) between 2020 and 2022 but declines from both contractors (31 to 24) and OFCCP (39 to 26) in 2023. The recent drop in OFCCP referrals could be the result of a campaign to expand the Ombuds Service (to make it internally facing in addition to its current external focus), and internal services therefore being the main topic of intra-agency presentations delivered by the Ombuds in 2023. Meanwhile, a reduction in contractor referrals could be tied to fewer supply and service compliance evaluations scheduled by the agency for two consecutive years (from 1,538 in 2020 to 1,261 in 2021 to 608 in 2022), according to data published on the OFCCP By the Numbers webpage.⁴ Despite an increase from 608 to 780 in 2023, stakeholders tend to contact the Ombuds towards the middle or latter stages of a compliance evaluation, meaning that smaller scheduling lists potentially impact referrals to the Ombuds Service a few years later.

Referrals from contractor representatives and complainants have steadily increased year over year and accounted for the largest proportion (32% and 31%, respectively) of total referrals in fiscal year 2023. It is important to recognize that the consultants and outside counsel who represent contractors might email or call the Ombuds without ever referencing the names of their clients (the companies that maintain an obligation to comply with the legal mandates OFCCP enforces), affording contractors the type of anonymity that puts many at ease and is almost certainly the explanation for lopsided referral numbers in favor of contractor representatives. The ongoing relationship that contractor representatives have with OFCCP is an equally significant factor, as it increases the likelihood of them at some point in time encountering the Ombuds, potentially even to raise general policy or operational issues that do not implicate a particular company. Meanwhile, the OFCCP By the Numbers webpage indicates that the total amount of complaints filed has climbed (from 1,248 to 1,531 to 2,075 to 2,936) during each of the years the Ombuds Service has been available to stakeholders.

Figure 12 demonstrates a direct correlation between total referrals and total issues. Relative increases or decreases in referral totals will inevitably impact the fluctuation in total number of issues identified per fiscal year.

Figure 12. Referrals vs. Issues

The relationship between total referrals and total issues identified through the first four years of Ombuds Service operations.

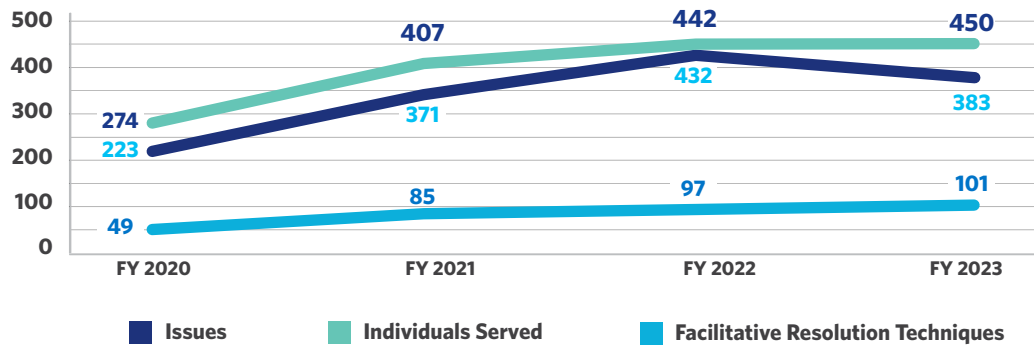


The 2022 Ombuds Service Annual Report⁵ established this same connection but added two other variables: the number of individuals with whom the Ombuds has worked and the frequency of facilitative resolution techniques. This year’s data suggests that the quantity of issues and concerns is perhaps a less significant factor than the Ombuds Service once anticipated, but again presents a causal relationship between the volume of people involved with ombuds referrals and the use of either shuttle diplomacy, facilitated dialogue, or mediation. Unlike individual consultation, facilitative conflict management practices could be employed to address issues and concerns that include all or most of the stakeholder groups the Ombuds Service is available to, all in one referral. The Ombuds conducted several mediations to resolve either individual or systemic discrimination allegations, the former between workers and employers, and the latter between contractors and OFCCP. Systemic discrimination mediations, for example, are typically attended by contractors, outside counsel, OFCCP National, Regional, and District Office employees, as well as the DOL Office of the Solicitor. On several other occasions, facilitated dialogues were held to overcome negotiation impasses between the agency and contractors, who in some cases had multiple establishments being reviewed across two or more OFCCP regions. Like mediations, those dialogues generally include several process

participants. As evidenced by the trend lines in Figure 13, increased use of facilitative resolution methods yields a greater number of process participants, even in a year when there was a slight decrease in the number of referrals and issues identified.

Figure 13. Issues, Individuals, and Resolution

The correlation between individuals worked with and the more facilitative conflict resolution techniques used by the Ombuds, despite a decrease in the total number of issues.

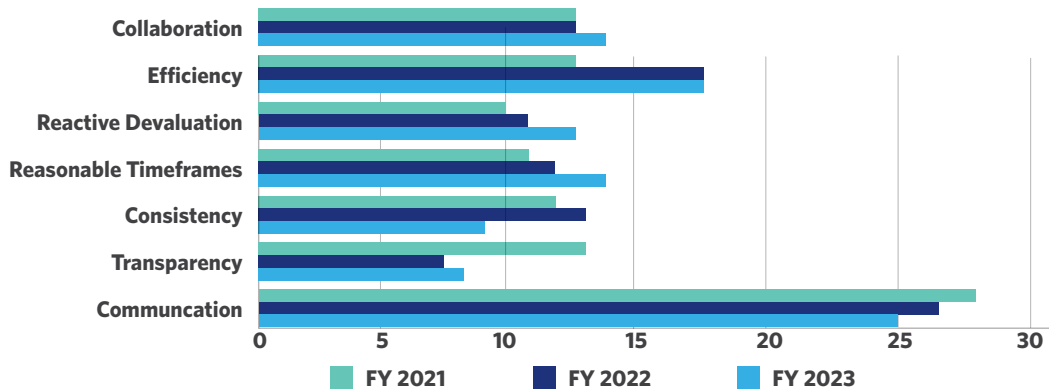


Issue trends, if applicable, are also helpful to analyze. For the most part there has been a great deal of year-over-year consistency when it comes to primary issues. For three consecutive years, a Need for Guidance was the most frequent purpose for contacting the Ombuds (22% of all primary issues in FY 2021 and 26% in both 2022 and 2023). This is to be expected by an organizational ombuds office given that a substantial amount of work is done through private, one-on-one meetings during which visitors have questions, seek clarification, and are exploring different options and resources. About half as often, people contact the Ombuds to discuss Policy and/or Operational Concerns (from 13% in 2021, to 12% in 2022, and 10% in 2023), particularly contractor representatives who work with OFCCP personnel year-round, some of them for a number of years, and therefore experience what they might refer to as processes and approaches that could benefit from senior leadership attention. Even if still a small percentage of all primary issues, Jurisdiction Disputes have slowly been referenced more and more over the past three years (3% to 6% to 8%), and this is likely due to OFCCP’s strategic shift towards construction compliance evaluations, for which an entirely different set of regulations apply and therefore has required more conversations about OFCCP’s jurisdiction as it relates to particular contractors.

When looking at secondary issues, the most obvious sign is that the Communication and Efficiency categories continue to occupy a majority of all secondary issues. Still, if not to the same degree as Communication and Efficiency, the Ombuds has increasingly seen situations in which Collaboration, Reactive Devaluation, or Reasonable Timeframes contribute to OFCCP conflict. Two other observations can be made for the second year in a row. First, Efficiency accounted for 17% of all secondary issues for two consecutive years and involved calls from both sides of the table (external stakeholders and OFCCP staff) for counterparts to operate more efficiently. Second, Transparency was the least likely issue category (just 7% of secondary issues in 2022 and 8% in 2023), possibly still due to the two Directives published in 2022 (*Effective Compliance Evaluations and Enforcement*⁶ and *Advancing Pay Equity Through Compensation Analysis*⁷) aimed at enhancing transparency about OFCCP’s expectations for contractors, and providing guidance on how the agency intends to evaluate compliance with compensation analysis obligations.

Figure 14. Percentage of Secondary Issues per Fiscal Year

Each of the secondary issue categories in proportion to the total number of secondary issues, with fiscal years 2021 through 2023 in comparison.



V. Reach of the Ombuds Service

Like all other organizational ombuds offices, it remains essential for the Ombuds Service to connect with the populations it serves, educate people about how the process works, and illustrate its value to individuals, groups, and the OFCCP community as a whole. Doing so creates reasonable expectations about what can be accomplished when working with the Ombuds, fosters a sense of security with the services being provided, and hopefully builds trust among the Ombuds and stakeholders. This section evaluates the approaches taken to achieve those goals and, relative to them, how well the program might be performing.

INTERNAL AND EXTERNAL ENGAGEMENT

Figure 13 revealed that 450 individuals worked with the Ombuds in fiscal year 2023. While that represents an all-time high for the Ombuds Service, it only includes those who participated in individual consultation, shuttle diplomacy, facilitated dialogue, or mediation. Outside of handling referrals, the Ombuds conducts external engagement (or outreach) and internal engagement (known as in-reach) aimed at connecting and working with large groups of stakeholders.

With such a substantial consortium of external stakeholders, the Ombuds relies on a variety of platforms to engage most efficiently, making use of opportunities to attend in-person as well as virtual events. In fiscal year 2023, the Ombuds presented to, met with, or attended meetings and conferences held by the National Industry Liaison Group (NILG) and regional Industry Liaison Groups (ILGs), the Center for Workplace Compliance (CWC) Workplace Equity Policy Conference, the DirectEmployers Annual Meeting & Conference (DEAMcon23), and OFCCP roundtables and DOL listening sessions with workers, worker rights groups, unions, and trade associations.

In-reach is mostly conducted virtually given how geographically expansive OFCCP’s workforce is, with District and Regional Offices located all over the country. The Ombuds attended and/or presented during quarterly senior leadership meetings, regional manager meetings, National

Office divisional meetings, and all staff meetings, and served as a moderator for internal town halls, presenting updates and confidential reports to senior leaders, and delivering workshops and training to OFCCP employees. There was also a new initiative implemented in 2023 known as Ombuds Listening Sessions, or dialogues facilitated by the Ombuds, giving agency employees an opportunity to raise issues, concerns, ideas, and suggestions related to their work which could later be understood and considered by OFCCP senior leadership. The caveat was that agency leadership was not present for those dialogues; participants were divided into groups according to their grade level and bargaining unit status, and they were separated from their respective managers. Feedback obtained was confidentially relayed to agency leadership after each of the eleven times sessions were held.

The Ombuds Service is always interested in new and innovative ways of connecting with stakeholders and therefore welcomes suggestions as well as requests for meeting attendance and speaking engagements.

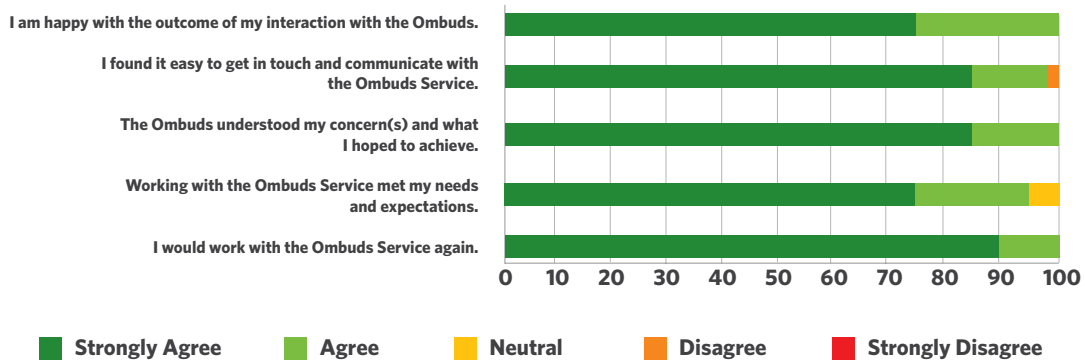
RECEPTION

Large scale stakeholder engagement will continue to be an efficient way for the Ombuds Service to connect with the populations it serves, but those who have worked with the Ombuds directly can perhaps most intimately evaluate the office's effectiveness. Fortunately, stakeholders have increasingly chosen to review the Ombuds, allowing for case-by-case feedback and a more macro analysis of programmatic impact. The Ombuds Service Evaluation Form⁸ is a survey posted on the OFCCP website that allows stakeholders to voluntarily and anonymously assess the value of services provided by the Ombuds. There are a total of eight survey questions, some closed and others open ended, which collect a combination of qualitative and quantitative data.

Overall, at least 75% of respondents "strongly agreed" with each of the five statements listed in the chart below, and at least 85% "strongly agreed" with the following three statements: that it was easy to get in touch and communicate with the Ombuds Service, the Ombuds understood their concern(s) and what they hoped to achieve, and they would work with the Ombuds Service again. Unfortunately, there was one person who "disagreed," i.e., did not find it easy to get in touch and communicate with the Ombuds Service. That person shared anecdotally that the field office investigating their complaint did not make known that OFCCP employed an Ombuds, so they were unable to connect earlier in the complaint investigation process when they believe assistance might have been most helpful. Meanwhile, there were a few people who felt "neutral" about whether working with the Ombuds Service met their needs and expectations. All of this is helpful feedback, as it allows for consideration about how to publicize the office more widely, provide access to all complainants, and proactively explain what the process does and does not include so that all who engage with the Ombuds begin with realistic expectations.

Figure 15. Evaluation Form Responses

The five multiple choice prompts from the Ombuds Service Evaluation Form, and the percentage of time respondents either strongly agreed, agreed, felt neutral, disagreed, or strongly disagreed.



Open ended responses are equally helpful. Those received through the Evaluation Form add color to data that would otherwise be left to interpretation, while educating the Ombuds Service about what people found most useful and where they might have gone were it not for the Ombuds. There were comments made about the value of having a neutral party listen to and understand frustrations, consider options and alternatives, help process someone else’s point of view, and confidentially raise concerns to the agency’s front office that may not have reached that level otherwise. There were also implications made by external stakeholders that, for whatever reason, OFCCP District or Regional Office personnel were not keen on involving the Ombuds in a particular matter and how surprising and/or disappointing that was to observe. Others made suggestions that the Ombuds be available to facilitate external stakeholder dialogues at industry events and conferences.

All of the feedback received is sincerely appreciated, and it is never too late to provide more. Completing the Evaluation Form, even anonymously, educates the Ombuds about aspects of the process that are already working along with areas for potential improvement.

VI. What the Future Holds

The process of writing an Annual Report is illuminating and gratifying. It offers the Ombuds a chance to dig deep into its archives, analyze, further develop where needed, and then turn the page to the next chapter. As such, the Ombuds Service looks onward to fiscal year 2024 and beyond.

Section IV. Issues Analysis explored the concept that the referral rate is at least partially dependent on the number of compliance evaluations that OFCCP schedules, which could mean that total referrals do not reach their peak (like they did in FY 2022) in the following year or two. Notwithstanding this possibility, a decline in total referrals could be a one-year anomaly, particularly if the agency continues receiving complaints at its current rate. It might also be the case that, if the Ombuds utilizes as many or more facilitative resolution techniques as it did in 2023 and works with a comparable or even greater number of stakeholders, total referrals return to what was recently an upward trajectory.

Either way, the Ombuds Service remains committed to expanding its connections with the objective to surpass the amount of in-reach and outreach conducted this previous year. Of particular interest are opportunities to engage with contractors (to address the rather low referral numbers), with OFCCP (as it relates to external ombuds work), and with workers' rights organizations (to continue encouraging workers to utilize the Ombuds as a confidential and informal resource when in need of information and/or facilitation related to individual discrimination). By delivering presentations, facilitating town halls and listening sessions, offering conflict management workshops, and simply being in the room at conferences and stakeholder gatherings, the Ombuds is able to educate people on what the process looks like in practice, and introduce the notion of reaching out. Speaking engagement requests are therefore accepted and embraced.

More generally, and to those who need direct ombuds assistance, there is an open invitation to initiate contact. As explored throughout, working with the Ombuds is confidential, informal, and voluntary, so even a single conversation to discuss ways of collaborating is welcomed and encouraged. This Annual Report is intended to be educational and informative, but only the beginning of what could be a longer and more deliberate conversation.

VII. Resources and References

The following resources have been referred to in the Annual Report and, in case helpful to readers, included again for reference. If a topic of interest is not featured in this report or on the resources list below, please contact the Ombuds for further assistance.

¹ [Coalition of Federal Ombuds](#)

² [International Ombuds Association](#)

³ [Ombuds Service Protocol](#)

⁴ [OFCCP By the Numbers](#)

⁵ [2022 Ombuds Service Annual Report](#)

⁶ [Directive 2022-02, Effective Compliance Evaluations and Enforcement \(March 31, 2022\)](#)

⁷ [Directive 2022-01 Revision 1, Advancing Pay Equity Through Compensation Analysis \(August 18, 2022\)](#)

⁸ [Ombuds Service Evaluation Form](#)

