The New OFCCP Internet Applicant Recordkeeping Rule
Purpose of the Rule

- Defines “Internet Applicant” – a job seeker applying for work through the Internet or related electronic data technologies from whom contractors must solicit demographic information.
- Prescribes the records contractors must maintain about hiring done through use of the Internet or related electronic data technologies.
- Explains the records OFCCP will require contractors to produce when evaluating whether a contractor has maintained information on adverse impact and conducted an impact analysis under the Uniform Guidelines on Employee Selection Procedures (UGESP).
Four criteria must be satisfied in order for a job seeker to be considered an “Internet Applicant”
1. Expression of Interest

Job seeker submits an expression of interest in employment through the Internet or related electronic data technologies.
2. Considers

The contractor “considers the individual for employment in a particular position” means the contractor assesses the substantive information provided in the expression of interest with respect to any qualifications involved with a particular position.
3. Basic Qualifications

The expression of interest must indicate that the individual possesses the basic qualifications for the position.
4. Continued Interest

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 consideration or otherwise indicates that he or she is no longer interested in the position.
Lack of Continuing Interest

- Express statement of disinterest
- Failure to respond to contractor’s inquiries
- Statements made in the expression of interest indicating:
  - Incompatible salary requirements
  - Incompatible preferences as to position or type of work
  - Incompatible preferences as to location of work