

REGULATORY OVERVIEW:

OFCCP'S NEW INTERNET "APPLICANT" DEFINITION

Until last year, OFCCP had never defined the term "Applicant." It now has done so, at least for the purpose of applicants obtained via the internet or similar electronic sources. The precise definition of the term "applicant," as applied to your specific employment processes, has significant ramifications and can either increase or lessen your exposure to discrimination liability.

An "Applicant" for this purpose is a person:

- Who expresses interest in a position;
- Who complies with the employer's recruitment requirements (hiring protocol);
- Who is actually considered;
- Who meets the position's minimum requirements; and
- Who does not withdraw (either explicitly or implicitly) from consideration.

The appropriate application of each of these elements of the definition to a particular workplace requires careful consideration and thought. A complete definition of the term "applicant" at your place of employment will depend upon the precise manner in which you recruit and process job seekers. In this instance, "one size does not fit all." If you have questions about how this regulation affects your employment processes, Taft lawyers can help you.

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