

Hard-Copy Applicants

The original (1979) definition of an applicant by the EEOC is in the Uniform Guidelines on Employee Selection Procedures (UGESP). It reads as follows: "The precise definition of the term 'applicant' depends on the user's recruitment and selection procedures. The concept of an applicant is that of a person who has indicated an interest in being considered for hiring, promotion, or other employment opportunities. This interest may be expressed by completing an application form, or might be expressed orally, depending on the employer's practice."

This definition was created prior to the existence of the electronic job application. It remains in force for hard-copy applications. Because it is so open-ended, it could create a substantial record-keeping burden for the organization since any contact with the organization by a person might count as an application for enforcement purposes. Hence, it is advisable for the organization to formulate and strictly adhere to written application policies and procedures that are communicated to organizational representatives and to all persons acting as though they are job applicants. Several suggestions for doing this follow.

First, require a written application from all who seek to be considered, and communicate this policy to all potential applicants. Inform people who apply by other means that they must submit a written application in order to be considered. If this policy is not defined, virtually anyone who contacts the organization or expresses interest by any means could be considered an applicant. Second, require that the applicant indicate the precise position applied for, and establish written minimum qualifications for each position. This way, the organization can legitimately refuse to consider as applicants those who do not meet these requirements. Third, establish a definite period for which the position will remain open, communicate this clearly to applicants, and do not consider those who apply after the deadline. Also, do not keep applications on hold or on file for future consideration. Fourth, return unsolicited applications through the mail. Finally, keep track of applicants who drop out of the process due to lack of interest or acceptance of another job. Such suggestions will help the organization limit the number of "true" applicants and reduce record keeping while also fostering legal compliance.⁷⁰

Internet Applicants

The OFCCP regulations (the Internet Applicant rule) provide a definition of an Internet applicant for federal contractors, as well as establish record-keeping requirements.⁷¹ The EEOC has not yet provided a definition of an Internet applicant, though it is in the process of developing one.

According to the OFCCP, an individual must meet all four of the following criteria to be considered an Internet applicant:

- The individual submits an expression of interest in employment through the Internet or related electronic data technologies.
- The employer considers the individual for employment in a particular position.