

Introduction to the Department of Labor's OFCCP

**EMPLOYMENT
STANDARDS
ADMINISTRATION**

 [Index](#)



U.S. Department of Labor
in the 21st Century

OFCCP Compliance Assistance Program

- **What is the OFCCP?**
- **What does the OFCCP have to offer?**
- **Presentations and seminars available**
- **What are compliance evaluations?**



OFCCP Mission Statement

To ensure that employers doing
business with the Federal
Government comply with laws and
regulations requiring non-
discrimination and equal employment
opportunity.

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OFCCP Vision

OFCCP works to ensure equal opportunity in jobs created with Federal contracting dollars through compliance assistance and, when necessary, **strong enforcement.**



What is the Office of Federal Contract Compliance Programs?

OFCCP is part of the U. S. Department of Labor, Employment Standards Administration. The OFCCP enforces the following EEO laws that apply to federal contractors and subcontractors:

- ❑ **Executive Order 11246, as amended**, prohibits discrimination in employment on the basis of race, color, gender, religion, or national origin and requires federal contractors to take affirmative action to ensure equal employment opportunity.
- ❑ **Section 503 of the Rehabilitation Act of 1973, as amended**, prohibits discrimination and requires affirmative action in all employment practices for qualified individuals with disabilities.
- ❑ **Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended**, prohibits employment discrimination and requires federal contractors to take affirmative action to employ and advance in employment qualified disabled and other covered veterans.



Contract *subparts* in the Federal Acquisition Regulation (FAR) that reference laws under OFCCP jurisdiction can be found in Title 48 of the CFR

- **22.8** Equal Employment Opportunity
- **22.13** Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
- **22.14** Employment of Workers with Disabilities



FAR clauses referencing Executive Order 11246 can be found in Title 48 of the CFR

- **52.222-21** Prohibition of Segregated Facilities
- **52.222-22** Previous Contracts and Compliance Reports
- **52.222-23** Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction
- **52.222-24** Pre-award On-Site Equal Opportunity Compliance Evaluation
- **52.222-25** Affirmative Action Compliance
- **52.222-26** Equal Opportunity
- **52.222-27** Affirmative Action Compliance Requirements for Construction
- **52.222-29** Notification of Visa denial



FAR clauses referencing **Section 503** can be found **in Title 48 of the CFR**

- **52.222-36** Affirmative Action for Workers with Disabilities

FAR clauses referencing **VEVRAA** can be found **in Title 48 of the CFR**

- **52.222-35** Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
- **52.222-37** Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans
- **52.222-38** Compliance with Veterans' Employment Reporting Requirements



OFCCP's JURISDICTION

- Executive Order 11246 and Section 503:

- Federal contract in excess of \$10,000



- VEVRAA:

- Federal contract of at least \$25,000

The \$25,000 threshold only applies to contracts entered before 12/01/2003.

For contracts entered on or after 12/01/2003, the contract dollar threshold is **\$100,000**.



OFCCP's JURISDICTION (cont'd)

- **Exceptions to the contract dollar threshold amount for coverage by Executive Order 11246 requirements:**
- Financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes
- Contracts with depositories of federal funds in any amount
- Government bills of lading



Subcontractor Responsibility

OFCCP equal employment opportunity clauses are applicable to **subcontractors**.

Federal agencies: please supply OFCCP with any subcontractor information as well as notifying subcontractors of OFCCP requirements.

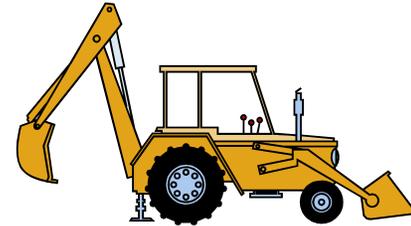
Construction Contractors: obligation exists in 41 CFR, 60-4.2(d) to notify OFCCP of your subcontracts.



OFCCP

Types of Compliance Evaluations

- Supply and Service Contractors



- Construction Contractors



OFCCP Selection Procedures

Supply & Service



- OFCCP assesses data submitted by contractors on EEO-1 forms that report the workforce demographics in each of their establishments.
- This information is processed via a computer that uses a strict set of pre-determined formulas known as “EEDS” (Equal Employment Data System).
- Contractors are reviewed in the order in which they appear on the selection list generated by EEDS.



Supply & Service Review Process

- Scheduling letter
- Compliance Officer assistance inquiry
- Submission of Affirmative Action Plan
- Desk audit/offsite analysis
- Onsite evaluation
- Offsite analysis
- Closing procedures



Construction Review Process

- Scheduling letter
- Onsite review
- Offsite analysis
- Closing procedures



Remember!

**If you are a federal contractor, you can expect
OFCCP to:**

- Provide compliance assistance at your request.
- Invite you to seminars & presentations.
- Disseminate publications
- Answer questions
- Explain the purpose of the evaluation, describe the evaluation process and identify actions that you need to take to comply with the regulations.
- Fully consider your position and explanations during the conciliation process.
- Be respectful and professional during compliance evaluations.



Easy “To Do” List...

For Federal Agencies:

- Invite local OFCCP office to pre-bid conferences
- Notify local OFCCP office of contract and subcontract data
- Notify contractors of OFCCP presence
- Perform timely input into FPDS

For Prime Contractors

- Notify local OFCCP office of subcontract awards
- Contact OFCCP for free technical assistance

For Subcontractors and Smaller Businesses:

- Call OFCCP for free technical assistance
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What does the OFCCP offer?

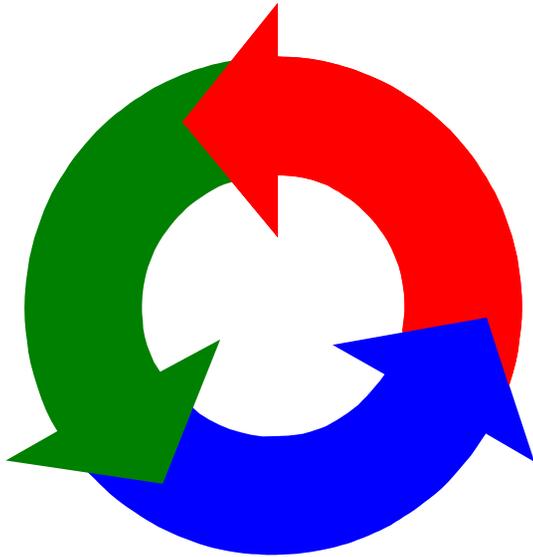
OFCCP provides
compliance assistance...



to help contractors understand
their contractual obligations for
equal employment opportunity
and affirmative action.



Compliance Assistance is Available Throughout the Review Process



- **Prior** to the evaluation process
- **During** the evaluation process
- **After** the evaluation process
- **Any time** outside of the evaluation process



OFCCP Provides Compliance Assistance by:

- Offering personal assistance in person or via phone
- Conducting seminars



- Disseminating publications, pamphlets and guides



Offering Personal Assistance in Person or Over the Telephone



When you call OFCCP, you
Do Not get a recording-you
get a LIVE person to help
you!

You can receive
One-On-One help.



SEMINARS

OFCCP offers seminars specific to your needs.

- We will conduct small group formal seminars in our office.
- You can request personal assistance at any time at your facility or at our office.



OFCCP Assistance is Available on Specific Topics such as:

- How to prepare written AAPs
- Utilization Analysis
- Availability Analysis
- How to prepare for an OFCCP compliance evaluation
- How to conduct an adverse impact analysis
- Typical problems found in compliance evaluations



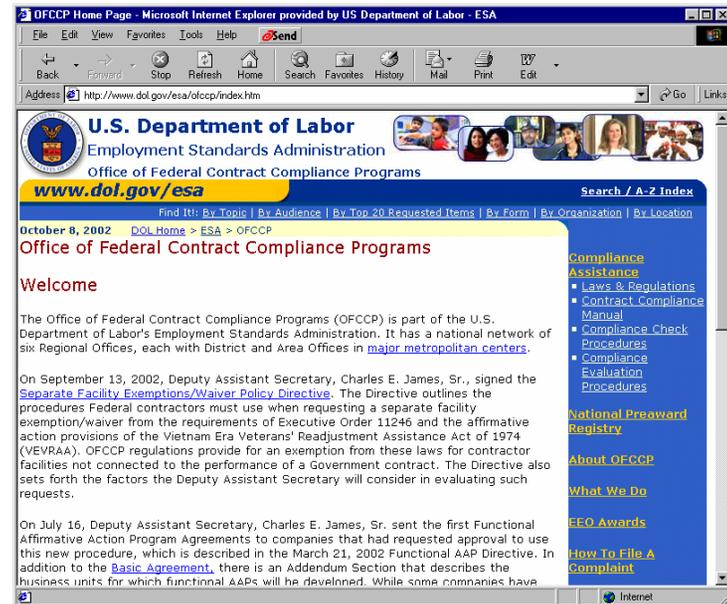
At your request, we provide...

- Regulations
- EEO posters
- Compliance Assistance Guides
- Pamphlets



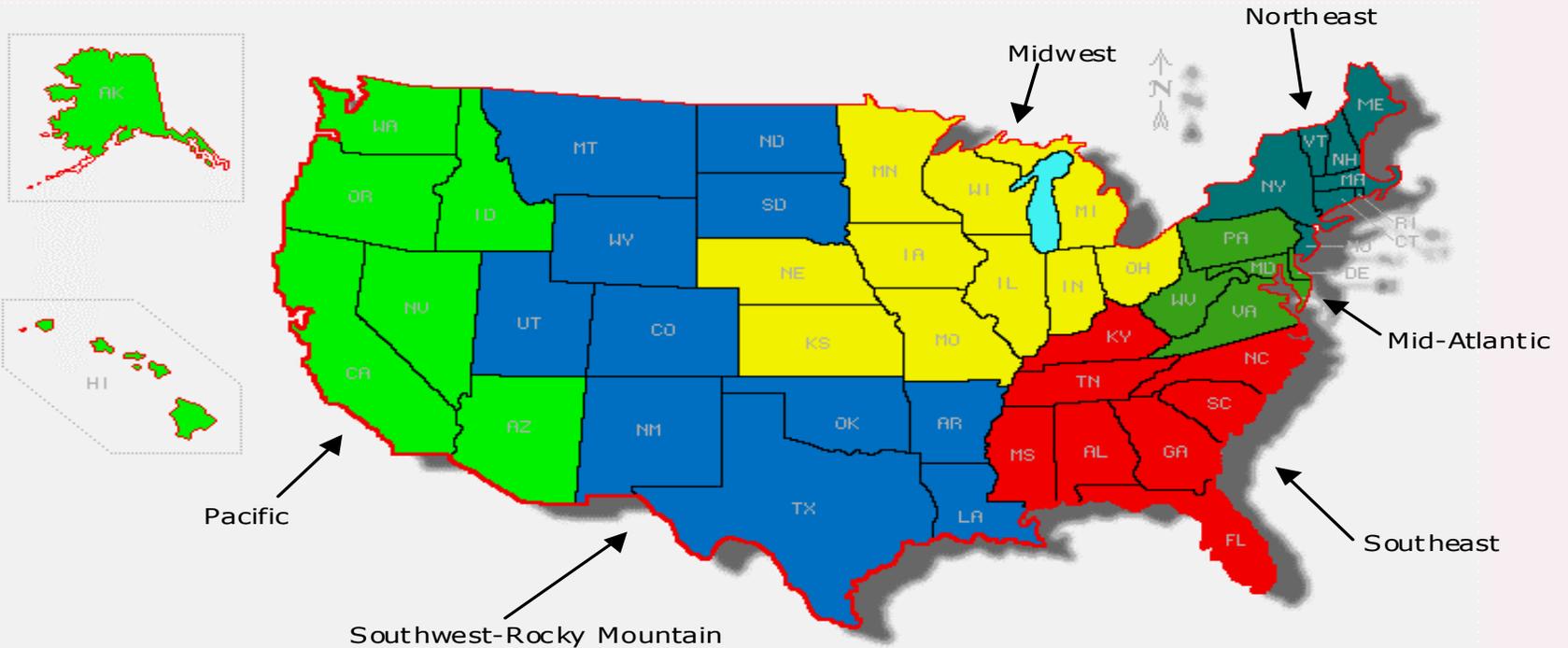
OFCCP website: *<http://www.dol.gov/esa>*

- Links to other pertinent websites
- Manuals
- Brochures
- Review procedures
- Fact Sheets
- and much, much more



Office of Federal Contract Compliance Programs

OFCCP Regions



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in the 21st Century

**Thank you. We look forward to
working with you in the future.**

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