



What Federal Contractors Can Expect

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) administers and enforces three equal employment opportunity laws: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212. Collectively, these laws make it illegal for contractors and subcontractors doing business with the federal government to discriminate in employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discriminating against applicants or employees because they inquire about, discuss, or disclose their compensation or that of others, subject to certain limitations.

Contractors and subcontractors (hereinafter referred to generally as "contractors") seeking OFCCP's assistance with satisfying their nondiscrimination and equal employment opportunity obligations can expect clear, accurate, and professional interactions with OFCCP's staff. OFCCP provides compliance assistance on a range of issues including technical help with understanding the requirements for developing an Affirmative Action Program (AAP). Please take a moment to explore the general expectations that often guide interactions between federal contractors and OFCCP.

Access to Accurate Compliance Assistance Material.

Contractors can expect OFCCP to inform them of their legal obligations and how contractors can comply with these obligations. OFCCP, to support compliance, is committed to providing clear, concise, and practical compliance assistance. Contractors can expect to receive compliance assistance in various forms including technical assistance guides, factsheets and brochures, "Frequently Asked Questions" or FAQs, guidance documents, directives, webinars, and email. While OFCCP makes compliance assistance available, contractors are ultimately responsible for seeking and using this help.

Timely Responses to Compliance Assistance Questions.

Contractors can typically expect a reply to Help Desk inquiries and emailed compliance assistance questions within 3-4 business days. Sometimes in the absence of key information or a difference in interpretation or understanding, OFCCP's reply to a question may require further research, may be limited, or may require additional time to coordinate across the agency or across DOL. In these instances, contractors can expect that OFCCP will provide notice of the delay and assurance that OFCCP's reply, when provided, is responsive to the issues raised. OFCCP's reply will only be as thorough as the information it is provided.

Opportunities to Provide Meaningful Feedback and Collaborate.

Contractors can expect OFCCP to provide them with opportunities to submit feedback on the quality and quantity of the agency's compliance assistance offerings and, periodically, on their experiences during their most recent compliance evaluations. Contractors can expect OFCCP to identify ways to collaborate, when appropriate, on the development of new compliance assistance material, contractor training, and other matters that may support contractor compliance.

Professional Conduct by OFCCP's Compliance Staff.

Contractors can expect to receive prompt, courteous, and accurate information during compliance evaluations and complaint investigations. The perceived quality of an engagement with OFCCP staff can be influenced by several factors, including the specificity and accuracy of the information contractors provide, and the timeliness and thoroughness of their responses to document production requests during compliance evaluations and complaint investigations.

Neutral Scheduling of Compliance Evaluations.

Contractors can expect OFCCP to use a neutral selection system to identify contractors for compliance evaluations that meets applicable Fourth Amendment standards. OFCCP's neutral process for selecting contractors for compliance evaluations relies on multiple information sources and analytical procedures. Individual contractors are never "targeted" though OFCCP may focus its resources on particular industries or sectors, geographic regions, or types of employment practices. OFCCP **never** schedules a contractor for a compliance evaluation because that contractor sought compliance assistance.

Reasonable Opportunity to Discuss Compliance Evaluation Concerns.

Contractors can expect to have a reasonable opportunity to discuss issues that may affect the progress or results of their compliance evaluation or complaint investigation. These discussions are most effective if they are first had with the responsible OFCCP compliance officer. OFCCP recognizes that some issues may warrant elevating a discussion to a higher level with management in the district office and then, if necessary, the regional office. OFCCP's protocol allows contractors to seek further discussion with the national office, if contractors have explored all other avenues. Although OFCCP and contractors may not reach agreement or arrive at the same outcome, good faith discussions can remove uncertainty and clarify areas of misunderstanding.

Timely and Efficient Progress of Compliance Evaluations.

Contractors can expect written notice that OFCCP scheduled them for a compliance evaluation, a list of what information is being initially requested by OFCCP, and reasonable production timelines for subsequent document production requests as determined in light of all relevant facts and circumstances. Contractors can also expect clear explanations of OFCCP's compliance evaluation processes and periodic status or progress updates as evaluations progress. While OFCCP seeks to be timely and efficient in its work, the progress and outcomes of evaluations are greatly influenced by the level of cooperation OFCCP receives, and the quantity, quality, and timeliness of the information that contractors provide.

Confidentiality.

Contractors can expect that the information they provide during a compliance evaluation will be kept confidential. OFCCP keeps this contractor information, including but not limited to personnel records and salary data, confidential to the maximum extent allowed by law.

For more information, please visit the Office of Federal Contract Compliance Programs website at <https://www.dol.gov/ofccp> or contact the nearest regional office at <https://www.dol.gov/ofccp/contacts/regkey.htm>.



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