

U.S. DEPARTMENT OF LABOR

NEW  
CONTRACTORS'  
GUIDE



Office of Federal Contract Compliance Programs  
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## **MISSION STATEMENT**

OFCCP administers and enforces three legal authorities that require equal employment opportunity: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212. Taken together, these laws ban discrimination and require Federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability or status as a protected veteran.

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# NEW CONTRACTORS' GUIDE

## 1. INTRODUCTION

If your company provides goods or services to a Federal agency, receives Federal funds for a construction project, or provides goods or services to another company that supplies a Federal agency or receives construction funds, it may be a “Federal contractor.” The employment practices of Federal contractors must conform to the requirements of certain equal employment opportunity (EEO) laws that apply only to them. Some of these requirements are much like those of other EEO laws, such as Title VII of the Civil Rights Act of 1964, that you may already be familiar with. Other requirements, and the enforcement processes for them, are different and may be new to you.

The EEO laws that apply to Federal contractors are enforced by the Office of Federal Contract Compliance Programs (OFCCP), an agency of the U.S. Department of Labor. OFCCP has developed this brief New Contractors' Resource Guide to introduce new contractors to their EEO obligations, the enforcement process, and the array of resources OFCCP offers to assist contractors in meeting their obligations.

## 2. WHICH LAWS DOES OFCCP ENFORCE?

OFCCP enforces the three Federal laws that are described in this Guide. OFCCP also shares responsibility with the Equal Employment Opportunity Commission (EEOC) for the enforcement of Title I of the Americans with Disabilities Act (ADA), as amended. The ADA is not discussed further in this Guide.

***Executive Order 11246 (EO 11246), as amended.*** This law prohibits Federal contractors and subcontractors from discriminating in employment and requires affirmative action to ensure equal employment opportunity on the basis of race, color, religion, sex, or national origin. The Executive Order applies to all contractors, but construction contractors and companies participating in a construction project receiving Federal funds (“federally assisted construction contractor”) have different affirmative action obligations than non-construction (“supply and service”) contractors. The OFCCP regulations implementing the EO 11246 can be found at 41 CFR Parts 60-1 through 60-50 at [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Chapter\\_60.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Chapter_60.htm). Contracts below a minimum threshold value and certain other contracts are exempt from coverage. See *Exemptions from Coverage*.

***Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended.*** This law prohibits supply and service and construction contractors (and their subcontractors) from discriminating in employment on the basis of disability. It also requires that these contractors take affirmative action to employ and advance in employment qualified

individuals with disabilities. The OFCCP regulations implementing Section 503 can be found at 41 CFR Part 60-741 at [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-741/toc.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-741/toc.htm). Contracts below a minimum threshold value and certain other contracts are exempt from coverage. See *Exemptions from Coverage*.

***Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended.*** This law prohibits supply and service and construction contractors (and their subcontractors) from discriminating in employment against veterans. It also requires that these contractors take affirmative action to employ and advance veterans. Despite its name, this statute is no longer limited to veterans from the Vietnam Era. VEVRAA applies equally to: 1) disabled veterans; 2) Armed Forces service medal veterans; 3) recently separated veterans, and; 4) other protected veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized. The OFCCP implementing regulations for contracts entered into before December 1, 2003 can be found at 41 CFR Part 60-250 at [http://www.dol.gov/dol/allcfr/Title\\_41/Part\\_60-250/toc.htm](http://www.dol.gov/dol/allcfr/Title_41/Part_60-250/toc.htm). For contracts entered into after December 1, 2003, the OFCCP implementing regulations can be found at 41 CFR Part 60-300 at [http://www.dol.gov/dol/allcfr/Title\\_41/Part\\_60-300/toc.htm](http://www.dol.gov/dol/allcfr/Title_41/Part_60-300/toc.htm). Contracts below a minimum threshold value and certain other contracts are exempt. See *Exemptions from Coverage*.

### **3. HOW DOES OFCCP ENFORCE THE EEO LAWS?**

OFCCP participates in a variety of activities that are intended to ensure contractor compliance with EEO laws, including providing compliance assistance to contractors, conducting compliance evaluations of contractor employment practices, and investigating complaints of discrimination. OFCCP also has several programs that promote and recognize contractors' best practices, such as the [Good-Faith Initiative for Veterans Employment \(G-FIVE\)](#) award, and the [Exemplary Voluntary Efforts \(EVE\) award](#). This section briefly discusses OFCCP's most common enforcement activities.

- **Compliance Assistance**

To help minimize the occurrence of violations of the laws that it enforces, OFCCP has an extensive compliance assistance program to assist Federal contractors. OFCCP has a national network of six Regional Offices, located in large metropolitan cities, each with district and area offices throughout the region, and a National Office in Washington, DC. Regional and National Office staff members provide compliance assistance to the contractor community through a number of avenues, including conducting seminars and workshops around the country, posting updated information on our website, operating a Help Desk line during work hours, and providing an e-mail address for inquiries and feedback. OFCCP also facilitates agreements between contractors and Department of Labor job training programs to help contractors identify and recruit qualified workers.

Compliance assistance resources are discussed in greater detail at *What if My Company Has Questions?*

- **Compliance Evaluations**

To ensure that Federal contractors are in compliance with the EEO laws, OFCCP conducts compliance evaluations that review contractors' employment practices. Contractor establishments are scheduled for review on a periodic basis, generally not more frequently than every two years. OFCCP examines whether the contractor maintains hiring and employment practices that are nondiscriminatory, and determines whether the contractor is taking affirmative action to ensure that applicants and employees have an equal employment opportunity without regard to race, color, religion, sex, national origin, disability, or status as a protected veteran. Among the contractor practices reviewed are those concerning job placement, employee training, promotion, compensation, and termination. OFCCP also occasionally conducts other types of compliance evaluations, such as a Corporate Management Compliance Evaluation, a review designed to determine whether qualified minorities, women, persons with disabilities, and protected veterans have encountered artificial barriers to advancement into mid-level and senior corporate management.

- a. Desk Audit**

A compliance evaluation begins with a "desk audit," in which an OFCCP Compliance Officer analyzes employment and demographic data provided by the contractor regarding hiring, promotion, and termination actions, and the establishment's compensation scheme. The facility's affirmative action efforts are also examined. If there are no indications of possible violations, the compliance evaluation may be closed at this stage.

- b. On-site Investigation**

If the investigation is not closed at the Desk Audit stage, an on-site investigation will be scheduled and conducted. OFCCP's Federal Contract Compliance Manual (FCCM) describes the procedures for conducting compliance evaluations and complaint investigations. OFCCP may request additional information and/or to speak with company officials or staff. Giving OFCCP officials your full cooperation will help move the investigation process along as swiftly as possible.

- **Complaint Investigations**

OFCCP also conducts investigations of complaints of discrimination that are filed by applicants or employees against Federal contractors. OFCCP works in coordination with the EEOC when processing discrimination complaints. OFCCP's website provides information regarding how to file a complaint and how it will be processed at <http://www.dol.gov/esa/ofccp/regs/compliance/pdf/pdfstart.htm>.

- **Conciliation and Enforcement Action**

If the result of a compliance evaluation or complaint investigation is a finding that a contractor is in violation of any part of the regulations, OFCCP will attempt to negotiate with the contractor to reach an appropriate remedy. This negotiation process is called “conciliation.” If the conciliation is successful, the contractor and OFCCP will, generally, sign a Conciliation Agreement, and the contractor will be expected to comply with the Agreement’s terms. If conciliation efforts fail, OFCCP and the Department of Labor’s Office of the Solicitor may pursue an enforcement action against the contractor before an administrative judge or in Federal district court.

#### **4. IS YOUR COMPANY A FEDERAL CONTRACTOR?**

Generally speaking, a company is a contractor and is covered by the EEO laws enforced by OFCCP if it enters into a non-exempt contract or subcontract with any department, agency, establishment, or instrumentality of the executive branch of the Federal government for the purchase, sale or use of supplies and services. A company is a subcontractor if it enters into any agreement or arrangement with a contractor for the purchase, sale or use of supplies and services, which, in whole or in part, are necessary to the performance of the Federal contract or if it performs, undertakes or assumes any portion of the contractor’s obligations.

##### **Three Kinds of Contracts**

A **supply and service contract** is any agreement for the purchase, sale, or use of supplies and services. These contracts include those for “personal property,” contracts for the use of real property, and contracts for the provision of “non-personal services,” including, utilities, transportation, research, insurance, and fund depository. Agreements made between employers and employees in the context of their work relationship are not considered “Federal contracts.”

Supply and service contracts are subject to all of the laws that OFCCP enforces. Contractor responsibilities are discussed more fully in *What are My Responsibilities as a Federal Contractor?*

A **construction contract** is any agreement to provide construction services directly to any department, agency, establishment, or instrumentality of the executive branch of the Federal Government.

Construction contracts are subject to all of the laws that OFCCP enforces. However, some of the EO 11246 responsibilities of construction contractors are different than the EO 11246 responsibilities of supply and service contractors. For example, while these contractors must not discriminate and must take affirmative action to ensure equal

employment opportunity, they are not required to develop a written affirmative action program. See *What are My Responsibilities as a Federal Contractor?*

A **federally assisted construction contract** is any agreement to perform construction that is paid for in whole or in part with funds provided by the Federal Government or borrowed on the credit of the Federal Government. Typically, a federally assisted construction contract involves funds received pursuant to a Federal program by means of a grant, loan, insurance, or guarantee provided to a company through that Federal program.

Federally assisted construction contracts are subject to EO 11246. Such contractors must not discriminate in their employment practices and must take affirmative action to ensure equal opportunity for employment without regard to race, color, religion, sex, and national origin. However, EO 11246 does not require these contractors to develop a written affirmative action program. Federally assisted construction contracts are not subject to Section 503 or VEVRAA. See *What are My Responsibilities as a Federal Contractor?*

Additional information regarding whether a company is a Federal contractor can be found on the OFCCP website at <http://www.dol.gov/elaws/ofccp.htm> and <http://www.dol.gov/esa/ofccp/regs/compliance/faqs/emprfaqs.htm>.

### **Exemptions from Coverage:**

Certain Federal contracts are exempt from coverage under the laws enforced by OFCCP.

**EO 11246.** The following kinds of contracts (or subcontracts) are exempt from the Executive Order: a) a single contract that is less than \$10,000; b) multiple contracts that when combined are less than \$10,000; c) contracts for indefinite quantities; d) contracts for work performed outside of the United States by employees who were not recruited within the United States; e) contracts with religious entities; and f) contracts with certain educational institutions. A Federal contract with a State or local government agency or entity only subjects to OFCCP jurisdiction those agencies or entities that participate in work on or under the Federal contract. EO 11246 and its implementing regulations are found at [http://www.dol.gov/esa/ofccp/regs/compliance/ca\\_11246.htm](http://www.dol.gov/esa/ofccp/regs/compliance/ca_11246.htm).

**Section 503.** The following kinds of contracts (or subcontracts) are exempt from Section 503: a) a single contract that is less than \$10,000; b) multiple contracts that when combined are less than \$10,000; c) contracts for indefinite quantities; and d) contracts for work performed outside of the United States by employees who were not recruited within the United States. A Federal contract with a State or local government agency or entity only subjects to OFCCP jurisdiction those agencies or entities that participate in work on or under the Federal contract. Section 503 and its implementing regulations are found at [http://www.dol.gov/esa/ofccp/regs/compliance/ca\\_503.htm](http://www.dol.gov/esa/ofccp/regs/compliance/ca_503.htm).



**VEVRAA.** If the contract was entered into before December 1, 2003, it is exempt from coverage if it is for less than \$25,000. If the contract was entered into after December 1, 2003, it is exempt from coverage if it is for less than \$100,000. The following contracts are also exempt from VEVRAA: a) contracts for indefinite quantities; and b) contracts for work performed outside of the United States by employees who were not recruited within the United States. A Federal contract with a State or local government agency or entity only subjects to OFCCP jurisdiction those agencies or entities that participate in work on or under the Federal contract. VEVRAA and its implementing regulations are found at [http://www.dol.gov/esa/ofccp/regs/compliance/ca\\_vevraa.htm](http://www.dol.gov/esa/ofccp/regs/compliance/ca_vevraa.htm).

## **5. WHAT ARE MY RESPONSIBILITIES AS A FEDERAL CONTRACTOR?**

This section provides a summary of the primary responsibilities of Federal contractors. It also provides links to more detailed compliance assistance materials that are available on the OFCCP website.

### **Nondiscrimination in Employment**

Executive Order 11246, Section 503 and VEVRAA all prohibit covered contractors and subcontractors from engaging in workplace employment discrimination on the basis of race, color, religion, sex, national origin, status as a qualified individual with a disability, or protected veteran. Employment discrimination occurs when an applicant or employee is treated less favorably, because of race, color, religion, sex, national origin, disability, or veteran status. Employment discrimination can result when a neutral policy or practice of a contractor has an adverse effect on a qualified individual because of their disability, or when a neutral policy or practice has an adverse impact on a class of applicants or employees because of their race, color, religion, sex, national origin, disability, or veteran status and the policy or practice is not job related or required by business necessity.

### **Affirmative Action Obligations**

#### **a) In General**

Supply and service and construction contractors have affirmative action obligations under all of the EEO laws enforced by OFCCP. In contrast, federally assisted construction contractors have affirmative action obligations under EO 11246, but not under Section 503 or VEVRAA. See *Contractor Obligations at a Glance Chart*.

There are differences in each law's affirmative action obligations. EO 11246 requires that supply and service (non-construction) contractors develop a written Affirmative Action Program (AAP). An AAP is a written program in which contractors annually outline the steps the contractor will take and has already taken to ensure equal employment opportunity. If your company is a construction or federally assisted construction contractor, it is not required to develop a written AAP under EO 11246. However, construction and federally assisted construction contractors are required to take

affirmative action in the form of specific good faith efforts to increase the participation of minorities and women in the skilled trades. Supply and service and construction contractors (but not federally assisted construction contractors) are also required to develop written AAPs under Section 503 and VEVRAA. See *Coverage at a Glance Chart*.

### **b) Supply and Service Contractors Only**

EO 11246 requires that supply and service contractors who have 50 or more employees and a contract or subcontract with a value of \$50,000 or more must prepare an AAP within 120 days after the contract takes effect. Key elements of an EO 11246 AAP include: 1) an organizational profile; 2) a job group analysis; 3) the placement of incumbent employees in the job groups; 4) a determination of the availability of qualified women and minorities in the relevant labor market; 5) an analysis comparing employee incumbency to availability, and; 6) placement goals for any underutilized groups. A sample AAP for contractors with 50 to 150 employees is available at <http://www.dol.gov/esa/ofccp/regs/compliance/pdf/sampleaap.pdf>. The requirements for an AAP are provided in detail in the regulations at [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-2/toc.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-2/toc.htm).

### **c) Supply and Service and Construction Contractors**

Section 503 requires that contractors who have 50 or more employees and a contract or subcontract with a value of \$50,000 or more must prepare an AAP within 120 days after the contract takes effect. VEVRAA currently has two contract value thresholds for requiring a written AAP depending upon the date of the government contract. The threshold for new contractors is one or more contracts of \$100,000 or more. If the contract was entered into before December 2003, the threshold is \$50,000. Under either threshold, the contractor must have a minimum of 50 employees, and the AAP must be prepared within 120 days after the contract takes effect. Additional information regarding the two thresholds is available at [http://www.dol.gov/esa/ofccp/regs/compliance/ca\\_vevraa.htm](http://www.dol.gov/esa/ofccp/regs/compliance/ca_vevraa.htm).

Key elements of Section 503 and VEVRAA AAPs include: 1) affirmative action policy statements; 2) a description of actions the contractor will take to ensure equal opportunity; 3) a schedule for the periodic review of job qualification standards to ensure they do not create unnecessary barriers to employment; 4) a guarantee that the contractor will provide appropriate reasonable accommodations; 5) procedures to ensure against harassment, and; 6) an action plan for recruitment of and outreach to individuals with disabilities, disabled and other protected veterans. A sample AAP for contractors with 50 to 150 employees is available online, beginning on page 36 of the document at <http://www.dol.gov/esa/ofccp/regs/compliance/pdf/sampleaap.pdf>. The requirements for an AAP are provided in detail in the regulations at [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-2/toc.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-2/toc.htm) and discussed at [http://www.dol.gov/esa/ofccp/regs/compliance/EEO1\\_Interim\\_Guidance.htm](http://www.dol.gov/esa/ofccp/regs/compliance/EEO1_Interim_Guidance.htm).

#### **d) Construction and Federally Assisted Construction Contractors**

Construction and federally assisted construction contractors are required by EO 11246 to take specific “good faith” affirmative action steps to increase the utilization of minorities and women in skilled trades. These steps are outlined in the OFCCP regulations at [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-4/toc.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-4/toc.htm).

They include: 1) maintaining a work environment free of unlawful harassment; 2) taking specific recruitment efforts; 3) maintaining recruitment sources and referrals; 4) providing on-the-job training opportunities for minorities and women; 5) reviewing, adopting, and disseminating EEO policies, and; 6) annually evaluating minorities and women for promotions. OFCCP’s *Technical Assistance Guide for Federal Construction Contractors* provides comprehensive information to assist construction and federally assisted construction contractors in complying with their obligations as contractors, including detailed information about the required affirmative action steps. Construction compliance assistance information may be found at <http://www.dol.gov/esa/ofccp/TAGuides/ctaguide.htm> and <http://www.dol.gov/esa/ofccp/regs/compliance/preaward/cnstnote.htm>.

As previously noted, because federally assisted construction contracts are not covered by Section 503 and VEVRAA, these contractors are not required to develop written AAPs.

#### **Filing an EEO-1 Report**

Federal contractors are required to maintain and analyze data on the sex, race, and ethnicity of their applicants and employees. This data is compiled in a report called the Standard Form 100 Report, better known as the “EEO-1 Report.” All contractors with 50 or more employees and one or more contracts of \$50,000 or more are required to submit an EEO-1 Report on or before September 30 of each year. Employers who have 100 or more employees are also required to file an annual EEO-1 Report even if they do not have any Federal contracts. Instructions for filing the EEO-1 Report are on the EEOC website at <http://www.eeoc.gov/eeo1survey/>.

Contractors are required to solicit the race and gender data for the EEO-1 Report from each of its job applicants. The preferred method for obtaining this information is by inviting applicants to self-identify. A contractor's invitation to an applicant to self-identify gender, race or ethnicity must always state clearly that providing such information is voluntary. If an applicant declines to self-identify his or her gender, race or ethnicity, the contractor may use visual observation. However, a contractor should not “guess” an individual’s race or ethnicity, and will not be penalized for the lack of specific race and ethnicity information if an applicant declines to self-identify and there are no other acceptable methods of obtaining this information.

#### **Vets 100/100A Report**

Federal contractors subject to VEVRAA must report their efforts toward hiring and employing veterans to the Department of Labor’s Veteran’s Employment and Training Service (VETS). If the contract was entered into before December 1, 2003, and exceeds

\$25,000, the contractor must report on its efforts to hire and employ veterans of the Vietnam era, special disabled veterans, other specified protected veterans, and recently separated veterans. If the contract was entered into after December 1, 2003, and exceeds \$100,000, the contractor must report on its efforts to hire and employ disabled veterans, Armed Forces service medal veterans, recently separated veterans, and other veterans who served during a war, or in a campaign or expedition for which a campaign badge has been authorized. More information may be found at the VETS website at <https://vets100.vets.dol.gov/>

### **Recordkeeping**

All contractors are required to maintain any personnel or employment records made or kept by the contractor. Such records may include, but are not limited to, job descriptions, job postings and advertisements, job applications and resumes, interview notes, tests and test results, written employment policies and procedures, records pertaining to hiring, assignment, promotion, demotion, transfer, lay off, termination, compensation, and personnel files. In general, records must be kept for two years from the date of the making of the personnel record or the personnel action, whichever occurs later. However, contractors with fewer than 150 employees or a contract of less than \$150,000 only have to keep records for one year. Recordkeeping obligations are discussed at <http://www.dol.gov/esa/ofccp/regs/compliance/faqs/dir279faqs.htm> and <http://www.dol.gov/esa/ofccp/regs/compliance/faqs/iappfaqs.htm>.

### **Allowing OFCCP Access**

When a contractor has been selected to undergo a compliance evaluation, or when a complaint of discrimination or retaliation has been filed against a contractor, the contractor is obligated to allow OFCCP access to its premises for the purpose of conducting an on-site investigation. The contractor must permit OFCCP to inspect and copy any paper and/or electronic records that may be relevant to the matter under investigation.

### **Notices/Posters**

All contractors are required to post the OFCCP “Equal Employment Opportunity is the Law Poster” in a conspicuous place. The notice must be posted prominently, where it can be readily seen by employees and applicants for employment, such as in a break or lunch room. The notice provides basic information about the laws and procedures for filing a discrimination complaint with OFCCP. A sample EEO poster and links to other Department of Labor notices and posters are located at <http://www.dol.gov/esa/ofccp/regs/compliance/posters/ofccpost.htm>.

### **Job Postings**

All contractors are required to state in all solicitations or advertisements for employment that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. See the regulations at [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-1/41CFR60-1.4.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-1/41CFR60-1.4.htm).

Contractors subject to VEVRAA are also required to list almost all of their job openings with their local employment service office. Openings for jobs that are either for executive and top management positions; will last only three days or less; or that will be filled from within the contractor's organization are exempt from this posting requirement. Additional information regarding this requirement is at <http://www.dol.gov/esa/ofccp/regs/compliance/faqs/jvafaqs.htm>. A list of the State employment agencies that contractors may list with for no fee is available at <http://www.jobbankinfo.org/>.

### **Provision of Reasonable Accommodation**

Like the ADA, Section 503 requires covered contractors to provide applicants and employees with disabilities with reasonable accommodation when it is needed to enable a person to apply for a job, perform job duties, or enjoy the benefits and privileges of employment that are enjoyed by employees without disabilities. The obligation to provide reasonable accommodation and ensure equal opportunity for individuals with disabilities is broad, and extends to contractors' use of online application systems and testing kiosks. Accessible online application systems are discussed at <http://www.dol.gov/esa/ofccp/regs/compliance/faqs/dir281faqs.htm>.

### **Prohibition Against Retaliation**

All of the laws enforced by OFCCP prohibit retaliation. Contractors must not harass, intimidate, threaten, coerce, punish, or discriminate against any individual because the individual: 1) filed a complaint; 2) assisted or participated in an investigation, compliance evaluation or similar activity; 3) opposed any unlawful contractor practice; or, 4) exercised any right protected by the laws enforced by OFCCP. The parallel anti-retaliation regulations of each law are found at:

E.O. 11246: [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-1/41CFR60-1.32.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-1/41CFR60-1.32.htm);

Section 503: [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-741/41CFR60-741.69.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-741/41CFR60-741.69.htm);  
and

VEVRAA: [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-250/41CFR60-250.69.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-250/41CFR60-250.69.htm);  
and [http://www.dol.gov/dol/allcfr/ESA/Title\\_41/Part\\_60-300/41CFR60-300.69.htm](http://www.dol.gov/dol/allcfr/ESA/Title_41/Part_60-300/41CFR60-300.69.htm).

## **6. WHAT IF MY COMPANY HAS QUESTIONS?**

### **Introduction**

OFCCP offers an array of resources to assist Federal contractors in complying with the laws it enforces. Contractors may ask OFCCP a specific question, attend an OFCCP-sponsored workshop or seminar, or review the wealth of information on the OFCCP website.

The OFCCP website provides transparency for the contractor community and general public of how OFCCP conducts its activities and will interact with the contractor community. The website provides a significant number of materials that will assist contractors in understanding their obligations and identifies a variety of resources available to contractors. There are also hyperlinks to other pertinent websites and resources.

## **Navigating OFCCP's Website**

It can sometimes be difficult or even a little intimidating to search for information on a website that is unfamiliar to you. The OFCCP home page at <http://www.dol.gov/esa/ofccp/> is no exception. So, here's a brief overview to help acquaint you with what you will find there. When using the OFCCP website, keep in mind that a number of the most requested items can be accessed from multiple locations, which should make them easier to find. Also keep in mind that, at any time, you may contact OFCCP to obtain assistance navigating through the materials online or for clarification and additional information.

On OFCCP's home page you will find subject areas that are titled to assist the user in readily finding the materials that may address topics and issues of importance to the user. A topic may be addressed in more than one type of the materials available online. For example, for a given topic there may be a regulatory section and policy statement (referred to as a policy directive) regarding the specific topic and frequently asked questions (FAQs) about the topic. The order in which a user searches for materials on a specific topic may make it easier to understand the topic and what is required of the contractor. It may be helpful to begin by reading the FAQs and policy statement and then researching the regulatory section that is the basis for these. Provided are descriptions of the subject areas on the website and some helpful hints:

- *Compliance Assistance:* If you click on this heading in the menu on the far right of the web page, you will find an array of materials frequently sought by new contractors. Links to the statutes and regulations, EEO poster, EEO-1 Report, Sample AAP, and the *Technical Assistance Guide for Federal Construction Contractors*, are just a few of the offerings.
- *Subscribe to E-Mail Updates:* This item is also located in the menu on the far right of the web page. Click on it to add your e-mail address to our mailing list to receive periodic updates from OFCCP.
- *Highlights:* This box includes recently released materials, new regulations, and press releases. You may want to visit this link on a regular basis for new materials.
- *Most Requested Items:* Under this heading you will find materials for which OFCCP has received a significant number of requests, primarily from contractors. These materials may include recently issued policy directives or regulations, and reference materials, such as the *Small Business Guide* and the sample AAP.

- *Laws and Related Materials:* Here you will find links to the statutes, the regulations, the *Federal Contract Compliance Manual (FCCM)*, and *Policy Directives*. Policy Directives are sub-regulatory guidance documents that address various issues or procedures. They represent OFCCP’s official position on whatever topic they address and may update the FCCM. Policy Directives are generally in effect until they are modified or superseded.
- *How to...:* This section provides a number of links that would be helpful to new contractors. For example, one link will help you *Determine that You are a Contractor*. There are also links to the most current construction industry goals and a link that explains *How to File a Discrimination Complaint*.
- *Resources:* Among the links that you will find here is one to *OFCCP Frequently Asked Questions*. FAQs are written on many topics and issues and are responsive to questions that OFCCP has received from contractors and other interested parties. FAQs frequently address new legal developments, recent changes in OFCCP policy or procedure, and emerging issues. As such, FAQs are a good place to start when researching a specific topic. To ensure that you have a full understanding of the topic, you will also want to review the *Laws and Related Materials* section for the Policy Directives, statutory coverage, and regulatory requirements related to the topic.

*Resources* also links the user to the *Sample Affirmative Action Plan*, *Employment Law Guide*, *Small Business Guide*, and *Seminar and Workshop Calendars*.

- *Pre-Award/EEO Clearance:* This section provides information regarding the steps Federal agencies must take when the contract being awarded is \$10 million dollars or more. For these contracts, agencies are required to get EEO clearance from OFCCP prior to making the contract award. This link also contains the National Pre-Award Registry which contains the names of contractors that OFCCP has evaluated within the last two years. Listings of companies that have been “debarred” and so are not eligible to receive Federal contracts can also be found here at *Debarred Listings*.
- *Best Practice Awards:* Here you will find information regarding awards programs that honor Federal contractors and non-profit organizations that exemplify best corporate EEO practices. These awards include the Secretary Of Labor's Opportunity Award; the Exemplary Voluntary Efforts (“EVE”); and the Exemplary Public Interest Contribution (“EPIC”) Award.

## **Getting Assistance From OFCCP**

- **How to Get Help**  
Contractors and other interested persons are encouraged to call, write or email OFCCP with any questions, and may expect a timely response. OFCCP’s National Office in Washington, D.C. staffs a Help Desk telephone line during work hours. The



Help Desk may be contacted for assistance on compliance issues, for locating needed information on the web site, or to provide feedback on a matter of concern. Inquiries may also be submitted via email. OFCCP will respond within three business days to email inquiries. Regional, district and area offices (field offices) are also available to respond to inquiries by telephone.

- Call toll free 1 (800) 397-6251
- E-mail [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov)
- [Call your local office](#) or visit us at <http://www.dol.gov/esa/ofccp/contacts/ofnation2.htm>

- **Attend Training**

Each OFCCP field office has a compliance assistance program that offers training sessions to contractors on a periodic basis. Calendars of these events may be found on the OFCCP website at the [Attend a local seminar or workshop](#) link under the “*How to Get Help*” heading, or at the [Seminar and Workshop Calendar](#) link under the “*Resources*” heading. If you do not find a compliance assistance schedule for the Office in your area, contact the Office directly.

We hope that this Guide serves as an introduction for new Federal contractors to the EEO obligations that they must satisfy, to OFCCP, the agency that enforces those obligations, and to the wide range of resources that are available to assist in their compliance efforts.



## APPENDIX A: CONTRACTOR COVERAGE AT A GLANCE

Legal Authority	Supply and Services Contractors	Construction Contractors	Federally Assisted Construction Contractors
<p><i>Executive Order 11246, as amended</i></p> <p><i>41 CFR Part 60-1</i></p>	<ul style="list-style-type: none"> <li>Contractor is covered if contract value exceeds \$10,000.</li> <li>Written AAP 120 days after contract starts, if: 1) 50 or more employees AND, 2) contract value is \$50,000 or more.</li> </ul>	<ul style="list-style-type: none"> <li>Contractor is covered if contract value exceeds \$10,000.</li> <li>Contractor must evidence good faith efforts to increase participation of minorities and women in the skilled trades.</li> </ul>	<ul style="list-style-type: none"> <li>Contractor is covered if contract value exceeds \$10,000.</li> <li>Contractor must evidence good faith efforts to increase participation of minorities and women in the skilled trades.</li> </ul>
<p><i>Section 503 of the Rehabilitation Act of 1973, as amended</i></p> <p><i>41 CFR 60-741</i></p>	<ul style="list-style-type: none"> <li>Contractor is covered if contract value exceeds \$10,000.</li> <li>Written AAP 120 days after contract starts, if: 1) 50 or more employees AND, 2) contract value is \$50,000 or more.</li> </ul>	<ul style="list-style-type: none"> <li>A contractor is covered if contract value exceeds \$10,000.</li> <li>Written AAP 120 days after contract is effective, if: 1) 50 or more employees AND, 2) contract value is \$50,000 or more.</li> </ul>	No coverage.
<p><i>Vietnam Era Veterans' Readjustment Act of 1974, as amended</i></p> <p><i>41 CFR Part 60-250</i> <i>41 CFR Part 60-300</i></p>	<ul style="list-style-type: none"> <li>Contractor is covered, if a single contract is before 12/1/2003 and is \$25,000 or more.</li> <li>Written AAP 120 days after contract starts, if: 1) 50 or more employees AND, 2) contract value is \$50,000 or more.</li> <li>If after 12/1/2003, a single contract is \$100,000 or more.</li> <li>Written AAP 120 days after contract starts, if 1) 50 or more employees AND, 2) \$100,000 single contract.</li> </ul>	<ul style="list-style-type: none"> <li>Contractor is covered, if a single contract is before 12/1/2003 and is \$25,000 or more.</li> <li>Written AAP 120 days after contract starts, if: 1) 50 or more employees AND, 2) contract value is \$50,000 or more.</li> <li>If after 12/1/2003, a single contract is \$100,000 or more.</li> <li>Written AAP 120 days after contract starts, if 1) 50 or more employees AND, 2) \$100,000 single contract.</li> </ul>	No coverage.

**APPENDIX B: CONTRACTORS OBLIGATIONS AT A GLANCE**

Legal Authority	Supply and Services Contractors	Construction Contractors	Federally Assisted Construction Contractors
<i>Executive Order 11246, as amended</i>	<ul style="list-style-type: none"> <li>• Nondiscrimination</li> <li>• Written Affirmative Action Program (AAP)</li> <li>• EEO-1 Report</li> <li>• Recordkeeping</li> <li>• Allowing OFCCP access</li> <li>• EEO Poster</li> <li>• EEO Notice in contracts and job postings</li> </ul>	<ul style="list-style-type: none"> <li>• Nondiscrimination</li> <li>• Affirmative action good faith efforts</li> <li>• EEO-1 Report</li> <li>• Recordkeeping</li> <li>• Allowing OFCCP access</li> <li>• EEO Poster</li> <li>• EEO Notice in contracts and job postings</li> <li>• Notify OFCCP of subcontracts over \$10,000</li> </ul>	<ul style="list-style-type: none"> <li>• Nondiscrimination</li> <li>• Affirmative action good faith efforts</li> <li>• EEO-1 Report</li> <li>• Recordkeeping</li> <li>• Allowing OFCCP access</li> <li>• EEO Poster</li> <li>• EEO Notice in contracts and job postings</li> <li>• Notify OFCCP of subcontracts over \$10,000</li> </ul>
<i>Section 503 of the Rehabilitation Act of 1973, as amended</i>	<ul style="list-style-type: none"> <li>• Nondiscrimination</li> <li>• Written AAP</li> <li>• Recordkeeping</li> <li>• Allowing OFCCP access</li> <li>• EEO Notice in contracts and job posting</li> <li>• Reasonable accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Nondiscrimination</li> <li>• Written AAP</li> <li>• Recordkeeping</li> <li>• Allowing OFCCP access</li> <li>• EEO Notice in contracts and job postings</li> <li>• Reasonable accommodation</li> </ul>	No coverage.
<i>Vietnam Era Veterans' Readjustment Act of 1974, as amended</i>	<ul style="list-style-type: none"> <li>• Nondiscrimination</li> <li>• Written AAP</li> <li>• Recordkeeping</li> <li>• Allowing OFCCP access</li> <li>• EEO Notice in contracts and job posting</li> <li>• Job postings with local employment service office</li> <li>• Reasonable accommodation</li> </ul>	<ul style="list-style-type: none"> <li>• Nondiscrimination</li> <li>• Written AAP</li> <li>• Recordkeeping</li> <li>• Allowing OFCCP access</li> <li>• EEO Notice in contracts and job postings</li> <li>• Job postings with local employment service office</li> <li>• Reasonable accommodation</li> </ul>	No coverage.

## **APPENDIX C**

### *Contact us:*

#### **OFCCP National Office**

U.S. Department of Labor  
200 Constitution Ave., NW, Room C3310  
Washington, DC 20210

(202) 693-0101

#### **Northeast**

New Jersey, New York, Puerto Rico, Virgin Islands, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

#### **Northeast Regional Office**

OFCCP  
U.S. Department of Labor  
201 Varick Street, Room 750  
New York, NY 10014

(646) 264-3170, (646) 264-3009 (Fax)

#### **Mid-Atlantic**

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

#### **Mid-Atlantic Regional Office**

OFCCP  
U.S. Department of Labor  
170 S. Independence Mall West, Suite 750 West  
Philadelphia, PA 19106

(215) 861-5765, (215) 861-5769 (Fax)

#### **Southeast**

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

#### **Southeast Regional Office**

OFCCP  
U.S. Department of Labor  
61 Forsyth Street, S.W., Room 7B75  
Atlanta, GA 30303

(404) 893-4545, (404) 893-4546 (Fax)

#### **Midwest**

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, Iowa, Kansas, Missouri, Nebraska

#### **Midwest Regional Office**

OFCCP  
U.S. Department of Labor  
230 South Dearborn Street, Room 570  
Chicago, Illinois 60604

(312) 596-7010, (312) 596-7044 (Fax)

#### **Southwest and Rocky Mountain**

Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming

**Southwest and Rocky Mountain Regional Office**

OFCCP

U.S. Department of Labor

525 South Griffin Street, Room 840

Dallas, TX 75202

(972) 850-2550, (972) 850-2552 (Fax)

**Pacific**

Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Washington

**Pacific Regional Office**

OFCCP

U.S. Department of Labor

90 7th Street, Suite # 18-300

San Francisco, CA 94103

(415) 625-7800, (415) 625-7799 (Fax)