



## Legal Alert: OFCCP Plans "Listening Sessions" on Upcoming Regulatory Actions

1/12/2010

The U.S. Department of Labor recently released its Semiannual Regulatory Agenda, in which the agency announced its regulatory agenda and priorities for the upcoming year. Included in this announcement are three planned regulatory actions by the Office of Federal Contract Compliance Programs (OFCCP). Before the OFCCP publishes official notices of proposed rulemaking on the regulations it plans to revise, it will conduct a series of "Web Listening Sessions." These sessions will discuss the agency's anticipated regulatory activities, give stakeholders the opportunity to make suggestions and recommendations to the agency and provide information on how to participate in the official rulemaking process. They will not, however, include presentations on the planned content of any future regulatory proposals and will not answer specific questions regarding the planned content of these proposals.

The sessions are scheduled as follows:

- **January 12, 2010** – 2:00-3:00 EST: "Affirmative Action & Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results under Section 503 of the Rehabilitation Act." According to the Regulatory Agenda, the OFCCP will focus on strengthening these requirements by requiring federal contractors and subcontractors "to conduct more substantive analyses and fully monitor their recruitment and placement efforts on behalf of individuals with disabilities." The OFCCP plans to publish an Advance Notice of Proposed Rulemaking for this regulation in December 2010.
- **January 14, 2010** – 2:00-3:00 EST: "Affirmative Action & Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)." According to the Regulatory Agenda, this revision would "require that federal contractors and subcontractors conduct more substantive analyses of recruitment and placement actions taken under VEVRAA and would require the use of numerical targets to measure the effectiveness of affirmative action efforts." The projected publication date for the Notice of Proposed Rulemaking for this regulation is December 2010.
- **January 20, 2010** – 2:00-3:00 EST: "Construction Contractor Affirmative Action Requirements." According to the Regulatory Agenda, this revision "would remove outdated regulatory provisions and update the provisions in the regulations that set forth the actions construction contractors are required

to take to implement their affirmative action obligations." The projected publication date for the Notice of Proposed Rulemaking for this regulation is January 2011.

Registration information for these sessions is available on the OFCCP's web site at: [http://www.dol.gov/ofccp/web\\_listening\\_series.htm](http://www.dol.gov/ofccp/web_listening_series.htm). If you have any questions regarding the affirmative action or nondiscrimination requirements for federal contactors and subcontractors, please contact Bennet Alsher, [balsher@fordharrison.com](mailto:balsher@fordharrison.com), Linda-Cavanna-Wilk, [lcavanna-wilk@fordharrison.com](mailto:lcavanna-wilk@fordharrison.com), Karen Tyner, [kyner@fordharrison.com](mailto:kyner@fordharrison.com) or Michelle Harkavy, [mharkavy@fordharrison.com](mailto:mharkavy@fordharrison.com) or the Ford & Harrison attorney with whom you usually work.