



Legal Alert: OFCCP Seeks Approval to Revise Scheduling Letter and Related Documents

5/16/2011

Executive Summary: The revisions proposed by the Office of Federal Contract Compliance Programs (OFCCP) to its Scheduling Letter and accompanying compliance review documents include new requests for information that will substantially increase federal contractors' recordkeeping burdens. **OFCCP's Proposed Revisions** On May 12, 2010, the OFCCP issued a Notice in the Federal Register seeking approval to revise its Scheduling Letter and accompanying compliance review documents. The Notice also requests comments to its proposed revisions, which must be submitted by July 11, 2011. You can click [here](#) to access the Notice or go to the Federal Register web site:

<http://www.federalregister.gov/articles/2011/05/12/2011-11570/proposed-extension-of-the-approval-of-information-collection-requirements-comment-request>. OFCCP sends its Scheduling Letter to government contractors to inform them that they have been selected for a compliance evaluation. The Letter commences the evaluation and is accompanied by an Itemized Listing of information the contractor must provide to OFCCP. OFCCP's current Scheduling Letter will expire on September 30, 2011. In addition to the Federal Register Notice, OFCCP released a separate supporting statement describing the changes it proposes to the Scheduling Letter and Itemized Listing. OFCCP explains that changes to the Scheduling Letter itself were made for clarity. However, the OFCCP's revised Itemized Listing includes new requests for submission of contractors' leave policies as well as copies of their VETS-100 and/or VETS-100A reports for the last three years. The Listing also requires more precise data for OFCCP's adverse impact analysis and compensation analysis. The proposed revisions require contractors to submit employment activity data by job group *and* job title. The revisions also require contractors to submit more specific demographic information. With respect to compensation, contractors will be required to submit aggregate data as opposed to the disaggregate data required by the current Itemized Listing. In its supporting statement, OFCCP recognizes that its proposed revisions will substantially increase contractors' recordkeeping burden. If you have questions regarding this Notice or federal contractors' affirmative action obligations, please contact the author of this Alert, Jade Cobb, at jcobb@fordharrison.com, any member of Ford & Harrison's Affirmative Action Compliance and Plan Development practice group, or the Ford & Harrison attorney with whom you usually work.