

VIA CERTIFIED MAIL  
(NUMBER)  
RETURN RECEIPT REQUESTED

(Name of CEO)  
(Title of CEO)  
(Establishment Name)  
(Street Address)  
(City, State, Zip Code)

Dear (Name of CEO):

Your establishment located at \_\_\_\_\_ was selected by the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), for a compliance check under one or more of these authorities: 41 CFR §§ 60-1.20(a)(3), 60-300.60(a)(3), and 60-741.60(a)(3). The compliance check will focus on whether your establishment maintains certain employment records in accordance with the requirements of 41 CFR §§ 60-1.12, 60-300.80 and 60-741.80. Compliance checks are one of several investigative procedures available to OFCCP for conducting compliance evaluations. Other investigative procedures include compliance reviews, which may include a desk audit, on-site review and off-site analysis; off-site reviews of records; and focused reviews that are on-site reviews limited to one or more organizational components or employment practices.

By way of background, OFCCP enforces Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, 38 U.S.C. 4212. Executive Order 11246 prohibits federal contractors and subcontractors from discriminating based on race, color, religion, sex, sexual orientation, gender identity, and national origin. It also prohibits these employers from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, in certain circumstances, the pay of their co-workers. Section 503 prohibits these employers from discriminating against individuals with disabilities, while VEVRAA prohibits discrimination against protected veterans.<sup>1</sup>

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<sup>1</sup> In 2004, Congress enacted Section 807 of the Ronald Reagan National Defense Authorization Act, codified at 41 U.S.C. 1908. This law requires the Federal Acquisition Regulation Council (FAR Council) to review the dollar threshold amounts in certain federal agency procurement related laws every five years to determine whether they should be adjusted for inflation. OFCCP's regulations at 41 CFR 60 Parts 300 and 741 do not currently reflect these inflationary

As a federal contractor or subcontractor employing at least 50 people, and having a contract or subcontract of \$50,000 or more,<sup>2</sup> you are required to develop a written Affirmative Action Program (AAP) for each of your establishments or each functional or business unit if you have an approved agreement allowing the use of functional AAPs.<sup>3</sup> You must also maintain all records relating to personnel or employment activities. Such records provide support data for your AAP, and enable you to document and demonstrate nondiscrimination and affirmative action compliance. Failure to furnish the requested information may constitute noncompliance with your obligations under the legal authorities OFCCP enforces.

In order to facilitate our compliance check, please make the information listed below available for on-site review. In the alternative, you can submit this information to OFCCP within 30 days of your receipt of this letter by mail using the U.S. Postal Service or email at \_\_\_\_\_.

1. AAP results for the preceding year (41 CFR §§ 60-1.12(b); 60-300.44(f)(4) and 300.80; 60-741.44(f)(4) and 741-80).
2. Examples of job advertisements, including listings with state employment services (41 CFR § 60-1.12(a), § 60-300.80, and § 60-741.80).
3. Examples of accommodations made for persons with disabilities (41 CFR § 60-1.12(a), § 60-300.80 and § 60-741.80).

If you opt to make the records available for on-site review, OFCCP will view them at your establishment to ensure they have been maintained as required by 41 CFR § 60-1.12, § 60-300.80, and § 60-741.80. A compliance officer will contact you shortly to establish the date and time of the on-site review of your records.

While our compliance check only consists of a brief review of records, please note that as a federal contractor or subcontractor you are required to comply with all the regulations enforced by OFCCP. More information regarding your obligations as a federal contractor or subcontractor, as well to view the

adjustments, however, OFCCP uses the FAR Council's adjusted thresholds for determining whether a contractor is covered by Section 503 and VEVRAA regulatory requirements. See Federal Acquisition Regulation, Inflation Adjustment of Acquisition-Related Thresholds, 80 FR 38293 (July 2, 2015).

<sup>2</sup> In light of the October 1, 2015, FAR inflationary adjustment OFCCP adjusted the jurisdictional threshold for VEVRAA, found in 41 CFR § 60-300.40, from \$100,000 to \$150,000. To avoid having an AAP threshold that falls below the basic VEVRAA coverage threshold, the AAP threshold was also increased to \$150,000.

<sup>3</sup> 41 CFR §§ 60-1.40, 60-2, 60-300.40 through 300.45, and 60-741.40 through 741.47.

regulations OFCCP enforces, is on our Web site at <http://www.dol.gov/ofccp/>. For additional information on compliance checks, please visit <http://www.dol.gov/ofccp/regs/compliance/directives/dir295.htm>.

Refusing to allow us access to your establishment for the on-site review of requested records or failing to submit the listed records to OFCCP for the compliance check will result in the selection of your establishment for another, more in-depth form of compliance evaluation. Should this occur, we will notify you in writing.

If you have any questions concerning this matter, please contact XXXXXXXXXXXX at XXXXXXXX.

Sincerely,

(Name of District Director)  
District Director

#### **SUPPLEMENTAL NOTE**

Under the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a request for the collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is currently 1250-0003. The time required to complete this information collection is estimated to average .5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send any comments concerning this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.