

Version: Contractor whose sole coverage comes from federally assisted construction projects only

OMB Control No. 1250-XXXX  
Expires XX/XX/XXXX

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):

The U.S. Department of Labor (DOL), Office of Federal Contract Compliance Programs (OFCCP), has selected your company for a compliance check under Executive Order 11246, as amended and its implementing regulation found at 41 CFR § 60-1.20(a)(3). Compliance checks are one of several investigative procedures available to OFCCP for conducting compliance evaluations. Other investigative procedures include compliance reviews, off-site reviews of records, and focused reviews.

This compliance check will focus on whether your company maintains certain employment records in accordance with the requirements of 41 CFR § 60-1.12. The documents you provide will be used to determine whether you are in compliance with OFCCP's recordkeeping requirements. This compliance check will cover records for all of your construction projects located in the *(as appropriate insert either 1) the name(s) of Standard Metropolitan Statistical Area(s) (SMSA) or 2) the name(s) of Non-SMSA)* which is comprised of the following county(s) and/or county equivalents: *(insert all applicable county(s) and/or county equivalents)* during the period of *(insert date) through (insert date)*.<sup>1</sup>

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. Additionally, contractors must take affirmative action to ensure equal employment opportunity in their employment processes.

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<sup>1</sup> The request may not exceed six months of records.

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In order to facilitate the compliance check, please submit the information specified in the enclosed Itemized Listing as soon as possible, but no later than 30 calendar days from the date you receive this letter. Please submit the information specified in the enclosed Itemized Listing to *(insert email address)* or to the address listed on the letterhead of this letter as soon as possible, but no later than 30 calendar days from the date you receive this letter.<sup>2</sup>

Alternatively, you may make the records available for on-site review. 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. An OFCCP compliance officer will contact you within 5 business days of receipt of this letter to determine if the records will be provided on-site or off-site.<sup>3</sup>

Although 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 can be found on our website at [www.dol.gov/ofccp](http://www.dol.gov/ofccp).

You should be aware that OFCCP may initiate enforcement proceedings if you fail to provide the records requested in this letter. Should this occur, we will notify you in writing.

Finally, the public may seek disclosure of the information you provide during a compliance check. Under current law and regulations, OFCCP is required to comply with the Freedom of Information Act, the Trade Secrets Act, the Privacy Act, Executive Order 12600, and DOL's FOIA regulations at 29 CFR § 70.26, all of which govern the disclosure of confidential commercial information.<sup>4</sup>

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

Sincerely,

(Name of District Director)  
District Director

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<sup>2</sup> Information requested in the enclosed Itemized Listing may be submitted in the form and format in which it is maintained.

<sup>3</sup> OFCCP will make every effort to contact you within 5 calendar days of receipt of this letter; however, failure to make contact will not invalidate the compliance check.

<sup>4</sup> 41 CFR §§ 60-1.20(g), 60-300.81, and 60-741.81; Freedom of Information Act, as amended, 5 U.S.C. § 552 (2009).

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Enclosure

cc: [insert name of the corporate CEO]  
[insert name of the designated representative]

Public Burden Statement: According to the Paperwork Reduction Act (PRA) of 1995, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. Your response is required as a condition of your federal contract, pursuant to Executive Order 11246 § 202(6). The estimated public reporting burden for this information collection is 3 hours. If you have comments regarding the estimated reporting burden, or suggestions for reducing the burden, please send them to the Office of Federal Contract Compliance Programs (OFCCP), Division of Policy and Program Development, 200 Constitution Avenue, N.W., Room C-3325, Washington, D.C. 20210, and reference OMB Control Number 1250-XXXX.

## **ITEMIZED LISTING**

Please submit the following requested items. This request covers all of your construction projects located in the *(as appropriate insert either 1) the name(s) of Standard Metropolitan Statistical Area(s) (SMSA) or 2) the name(s) of Non-SMSA)* which is comprised of the following county(s) and/or county equivalents: *(insert all applicable county(s) and/or county equivalents)* during the period of *(insert date) through (insert date)*.

1. Examples of personnel records that list construction trade employment activity (applicants, hires, promotions, layoffs, recalls, voluntary terminations, and involuntary terminations), including the name or ID number, job classification, gender, race and/or ethnic designation for each employee or applicant (41 CFR § 60-1.12(a) and (c)).
2. Examples of payroll records for some construction trade employees working in the *(as appropriate insert either 1) the name(s) of Standard Metropolitan Statistical Area(s) (SMSA) or 2) the name(s) of Non-SMSA)* which is comprised of the following county(s) and/or county equivalents: *(insert all applicable county(s) and/or county equivalents)* during the specified review period. The payroll records should be submitted by project and include each employee's name or ID number, gender, race/ethnicity, hire date, trade(s), total hours worked in each trade and overtime hours worked in each trade (hours could include the sum of regular and overtime hours worked, with overtime hours listed separately, or regular and overtime hours each listed separately), wage rate(s) for each trade,

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- apprenticeship status, and employment type (e.g., full-time, part-time, temporary, contract, per diem, day labor) (41 CFR § 60-1.12(a) and (c)).
3. Examples of job advertisements and postings (41 CFR § 60-1.12(a)).
  4. Examples of accommodation requests received (e.g., accommodation request for pregnancy, childbirth, or related medical conditions, and for religious observances and practices), if any (41 CFR § 60-1.12(a)).