

VIA CERTIFIED MAIL  
(NUMBER)  
RETURN RECEIPT REQUESTED

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

Dear (Name of contractor official):

The U.S. Department of Labor (DOL)'s Office of Federal Contract Compliance Programs (OFCCP) has selected your company for a compliance review under Executive Order (EO) 11246.<sup>1</sup> This review will also assess whether your company is in compliance with its obligations under Section 503 of the Rehabilitation Act of 1973 (Section 503) and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA)<sup>2</sup> if you have federal contract(s) or subcontract(s)<sup>3</sup> that meet the coverage threshold requirements of these two laws. Please note that if your company's sole contract coverage comes from federally assisted construction contracts you are not required to submit the information requested in the enclosed Section 503 and VEVRAA Itemized Listings.

The purpose of this review is to determine if your company is in compliance with its equal employment opportunity obligations on all of its federal, federally assisted, and non-federal construction projects located in the *(as appropriate insert either (1) the name(s) of Standard*

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<sup>1</sup> Executive Order 11246, 30 FR 12319, 3 CFR 339 (1964-1965), *as amended* by E.O. 11375, 32 FR 14303, 3 CFR, 1966-1970 Comp., p. 684, E.O. 12086, 43 FR 46501, 1978 Comp., p. 230 and E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258, E.O. 13665, 79 FR 20749 and E.O. 13672, 79 FR 42971.

<sup>2</sup> Section 503 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 793; Vietnam Era Veterans' Readjustment Assistance Act of 1974, *as amended*, 38 U.S.C. § 4212. Section 503 covers federal construction contractors with a direct government contract in excess of \$15,000, and VEVRAA applies to federal construction contractors with a direct government contract of \$150,000 or more. Contractors with 50 or more employees and a direct federal contract of \$50,000 or more also have affirmative action program (AAP) requirements under Section 503 (see 41 CFR part 60-741, subpart C). For VEVRAA, contractors with 50 or more employees and a contract of \$150,000 or more have AAP requirements (see 41 CFR part 60-300, subpart C).

<sup>3</sup> Subcontractors perform, undertake, or assume any portion of the contractor's obligation, or perform work or provide supplies or services necessary to the performance of your federal contract, in whole or in part. For more information, see 41 CFR § 60-1.3 (defining "subcontract" and "subcontractor").

*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).*

The compliance review may progress in three phases: a desk audit, an on-site review, and an off-site analysis. OFCCP describes the phases of a compliance review in its regulations at 41 CFR Chapter 60.<sup>4</sup>

For the desk audit, please submit the information requested in the enclosed Itemized Listing(s) to the email address listed below or to the address listed on page one of this letter as soon as possible, but no later than 30 calendar days from the date you receive this letter. We encourage you to submit your information in an electronic format to reduce the amount of time it takes to complete our evaluation. Pursuant to 41 CFR §§ 60-1.12(e), 60-300.80(c), and 741.80(c), failure to preserve complete and accurate records constitutes noncompliance with your obligations as a federal contractor or subcontractor. Once the review begins, you are required to maintain all personnel and employment records described in the regulations enforced by OFCCP until the final disposition of the evaluation.<sup>5</sup>

If your contract(s) meet the coverage threshold requirements for VEVRAA, we will also verify your compliance with the regulations issued by the Veterans' Employment and Training Service (VETS) requiring contractors and subcontractors covered by VEVRAA to file an annual report, the VETS-4212 report.<sup>6</sup>

You should be aware that OFCCP may initiate enforcement proceedings if you fail to submit records identified in the Itemized Listing that represent a reasonable effort to meet the requirements of the regulations in 41 CFR Chapter 60. Please also be aware that OFCCP may use the information you provide during a compliance review in an enforcement action. We may share that information with other enforcement agencies within DOL, as well as with other federal civil rights enforcement agencies with which we have information sharing agreements. Finally, the public may seek disclosure of the information you provide during a compliance review. 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>7</sup> In addition, DOL regulation at 41 CFR § 60-1.20(f) allows a contractor that is concerned with the confidentiality of personally identifiable information such

<sup>4</sup> 41 CFR §§ 60-1.20(a), 60-300.60(a), and 60-741.60(a).

<sup>5</sup> 41 CFR §§ 60-1.12(a), 60-300.80(a), and 60-741.80(a).

<sup>6</sup> 41 CFR Part 61-300 implements 38 U.S.C. § 4212(d), as amended by the Jobs for Veterans Act. The implementing regulations require covered federal contractors to submit, at least annually, a report on veterans' hiring and workforce representation to the Department of Labor. In addition, 41 CFR § 60-300.60(c) provides that if a contractor has not complied with any such reporting requirement, OFCCP will notify VETS.

<sup>7</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).

as lists of employee names, reasons for termination, or pay data, to use alphabetic or numeric coding or an index. The coding or index for pay and pay ranges must be consistent with the ranges assigned to each job group for purposes of the compliance evaluation.

Please contact \_\_\_\_\_ at \_\_\_\_\_ if you have any questions concerning the compliance review.

Sincerely,

(Name of District Director)  
District Director

Enclosure (3)  
Itemized Listing – Executive Order 11246  
Itemized Listing – Section 503  
Itemized Listing – VEVRAA

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. The estimated public reporting burden for this information collection is 27 hours for direct federal construction contractors and 14 hours for federally assisted construction contractors. If you have comments regarding the estimated reporting burden, or suggestions for reducing the burden, please send them to the OFCCP, Division of Policy and Program Development, 200 Constitution Avenue, N.W., Room C-3325, Washington, D.C. 20210, and reference OMB Control Number 1250-0001.

## ITEMIZED LISTING – EXECUTIVE ORDER 11246

1. A list of all construction projects (federal, non-federal, and federally assisted) by name and location in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months,<sup>8</sup> including identifying whether each project is commercial or residential, federal or non-federal.
2. Employee level payroll data for all construction trade employees working in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. For each project, please provide payroll data with the following information:
  - a. Employee name or ID;
  - b. Gender;
  - c. Race/Ethnicity;<sup>9</sup>
  - d. Hire date;
  - e. All trades the employee was paid to work in;
  - f. Total hours worked in each trade;
  - g. Overtime hours worked in each trade;
  - h. Wage rate(s) for each trade;
  - i. Union affiliation;
  - j. Apprenticeship status; and
  - k. Employment type, including but not limited to, full-time, part-time, contract, per diem or day labor, and temporary employees.
3. Data on your construction trade employment activity (applicants, hires, promotions, layoffs, recalls, and terminations) in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months.
  - a. Applicants: This list should include all applicants identified by name, race/ethnicity, gender, date applied, trade(s) applied for, referral source, and the action taken for each individual. Applicants for whom race/ethnicity and/or gender is not known should still be included in the data submitted.
  - b. Hires: This list should include the name, trade, gender, race/ethnicity for each employee. If an individual is a re-hire, please note that.
  - c. Promotions: Provide the name, trade/job title, gender, race/ethnicity for each promoted employee. Include a definition of “promotion” as used by your company and the basis on which they were compiled (e.g., promotions to the

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<sup>8</sup> Calculate the preceding 12 months based upon the date of receipt of this letter.

<sup>9</sup> The term “race/ethnicity” as used throughout the Itemized Listing includes these racial and ethnic groups: African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, and White. You also have the option of submitting the requested data using the race and ethnic categories on the EEO-1 survey.

trade, from the trade, and/or within the trade, etc.). If it varies for different trades, please define the term as used for each trade.

- d. Recalls: This list should include the name, trade/job title, gender, race/ethnicity for each employee. Also, include a copy of the established recall list used during the review period.
  - e. Terminations: This list should include the name, trade/job title, gender, race/ethnicity for each employee and the specific reason for the termination.
4. A copy of the company's current EEO Policy Statement. 41 CFR 60-4.3(a)7.f.
  5. Records of notices to the company's subcontractors about their EEO obligations during the preceding 12 months. 41 CFR 60-4.3(a)(2).
  6. A list of all minority and female recruitment sources your company utilized in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. 41 CFR 60-4.3(a)7.b.
  7. Documentation that your company provided notice to minority, female, and community organizations; to schools with minority and female students; and to minority and female recruitment and training organizations when it or its union (if applicable) had employment opportunities available in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. 41 CFR 60-4.3(a)7.b. and 41 CFR 60-4.3(a)7.i.
  8. Communications with unions and training programs describing the company's EEO obligations and requesting their cooperation in assisting the Company in meeting its EEO obligations in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. 41 CFR 60-4.3(a)7.f.
  9. Records identifying trade organization affiliations and unions that provide workers for the company's construction contracts in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)*, including a copy of any applicable collective bargaining agreements. 41 CFR 60-4.3(a)7.f.
  10. Documentation demonstrating your company reviewed its EEO policy with all management personnel and all employees working in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. 41 CFR 60-4.3(a)7.f. and 41 CFR 60-4.3(a)7.g.
  11. Documentation of job advertisements posted for construction work in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. 41 CFR 60-4.3(a)7.h.
  12. Documentation of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and

female contractor associations and other business associations for construction subcontracts in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. 41 CFR 60-4.3(a)7.o.

13. A list of training programs your company participated in, including upgrading programs, apprenticeship, and trainee programs, and on-the-job training programs in the *(as appropriate insert either (1) the name(s) of SMSA or (2) the name(s) of Non-SMSA)* during the preceding 12 months. 41 CFR 60-4.3(a)7.e.
14. A copy of your Type 2 - Consolidated Employer Information Report EEO-1 (Standard Form 100 Rev.) from the most recent filing period.<sup>10</sup> If your company did not file an EEO-1 Report, please provide the total number of individuals employed company-wide as of the date of this letter. 41 CFR 60-1.7(a).
15. A copy of any reasonable accommodation policies and documentation of all accommodation requests received and their resolution, if any, during the preceding 12 months. This documentation would include requests for accommodations for pregnancy, childbirth, or related medical conditions and accommodations for religious observances and practices. 41 CFR 60-1.12(a).

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<sup>10</sup> If you are a single establishment employer, please submit a copy of your most recent Type 1 – Establishment Employer Information Report EEO-1 (Standard Form 100 Rev.). You are only required to submit component 1 of the EEO-1 Report.

## ITEMIZED LISTING - SECTION 503

1. A copy of your current Section 503 AAP prepared in accordance with the requirements of 41 CFR § 60-741.40 through § 60-741.47, if the company is subject to Section 503.
2. Communications with unions and community organizations regarding the company's EEO obligations and recruitment efforts to hire individuals with disabilities for the immediately preceding AAP year and, if you are six months or more into your current AAP when you receive this listing, provide the communications for the at least the first six months current AAP year.<sup>11</sup>
3. Your most recent assessment of your personnel processes, as required by 41 CFR § 60-741.44(b), including a description of the assessment and any actions taken or changes made as a result of the assessment.
4. Your most recent assessment of physical and mental qualifications, as required by 41 CFR § 60-741.44(c), including the schedule of the assessment and any actions taken or changes made as a result of the assessment.
5. Results of the evaluation of the effectiveness of outreach and recruitment efforts taken to identify and recruit qualified individuals with disabilities as described in 41 CFR § 60-741.44(f).
6. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-741.44(h).
7. Documentation of the computations or comparisons described in 41 CFR § 60-741.44(k) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information for at least the first six months of the current AAP year.
8. The utilization analysis evaluating the representation of individuals with disabilities in each construction trade, or, if appropriate, evaluating the representation of individuals with disabilities in the workforce as a whole, as provided in 41 CFR § 60-741.45. If you are six months or more into your current AAP year on the date you receive this letter, please also submit information that reflects current year progress.
9. A copy of any reasonable accommodation policies for individuals with a disability, and documentation of all accommodation requests received and their resolution, if any, for the immediately preceding AAP year and, if you are six months or more into your current AAP when you receive this listing, provide the information for the current AAP year. 41 CFR 60-741.80.

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<sup>11</sup> For example, if a contractor's AAP year begins on January 1 and the contractor receives the scheduling letter in October, the contractor must provide data for January through June for the current year in addition to the data for the entire immediately preceding year.

## ITEMIZED LISTING - VEVRAA

1. A copy of your current VEVRAA AAP prepared in accordance with the requirements of 41 CFR § 60-300.40 through § 60-300.45, if the company is subject to VEVRAA.<sup>12</sup>
2. Communications with unions and community organizations regarding the company's EEO obligations and recruitment efforts to hire protected veterans for the immediately preceding AAP year and, if you are six months or more into your current AAP when you receive this listing, provide the communications for at least the first six months of the current AAP year.
3. Your most recent assessment of your personnel processes, as required by 41 CFR § 60-300.44(b), including a description of the assessment and any actions taken or changes made as a result of the assessment.
4. Your most recent assessment of physical and mental qualifications, as required by 41 CFR § 60-300.44(c), including the schedule of the assessment and any actions taken or changes made as a result of the assessment.
5. Results of the evaluation of the effectiveness of outreach and recruitment efforts that were intended to identify and recruit qualified protected veterans as described in 41 CFR § 60-300.44(f).
6. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-300.44(h).
7. Documentation of the computations or comparisons described in 41 CFR § 60-300.44(k) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information for at least the first six months of the current AAP year.
8. Documentation of the hiring benchmark adopted and the methodology used to establish it if using the five factors described in 41 CFR § 60-300.45(b)(2). If you are six months or more into your current AAP year on the date you receive this listing, please also submit current year hiring data to measure against your benchmark.
9. A copy of any reasonable accommodation policies for disabled veterans (if different from the standard reasonable accommodation policies for individuals with a disability) and documentation of all accommodation requests received and their resolution, if any, for the immediately preceding AAP year and, if you are six months or more into your current AAP when you receive this listing, provide the information for at least the first six months of the current AAP year. 41 CFR 60-300.80.

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<sup>12</sup> Please note that VEVRAA does not apply to contractors who only have federally assisted construction contracts. Therefore, if your company's sole contract coverage comes from federally assisted construction contracts you are not required to submit the information requested in the VEVRAA Itemized Listing.