

VIA [INSERT CERTIFIED MAIL (TRACKING NUMBER) RETURN RECEIPT  
REQUESTED, EMAIL (EMAIL ADDRESS) READ 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, Office of Federal Contract Compliance Programs (OFCCP), selected your \_\_\_\_\_ [Insert: establishment located at (address), functional unit (name or description of functional unit), corporate headquarters located at (address), or post-secondary institution with location(s) in (city and state only)] for a [Insert: compliance review, functional affirmative action program (FAAP) compliance review, or corporate management compliance evaluation (CMCE)].

We are conducting this [Insert: compliance review, FAAP compliance review, or CMCE] under the authority of Executive Order (E.O.) 11246, Section 503 of the Rehabilitation Act of 1973 (Section 503), the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) and their implementing regulations in 41 CFR Chapter 60.<sup>1</sup> In addition to determining your compliance with these authorities, 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 on their employment and hiring of protected veterans.<sup>2</sup>

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>3</sup> For the desk audit, please submit the following information:

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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; 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.

<sup>2</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 U.S. 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>3</sup> 41 CFR §§ 60-1.20(a), 60-300.60(a), and 60-741.60(a).

1. a copy of your current Executive Order 11246 Affirmative Action Program (AAP) prepared in accordance with the requirements of 41 CFR §§ 60-1.40 and 60-2.1 through 60-2.17;
2. a copy of your current Section 503 AAP prepared in accordance with the requirements of 41 CFR §§ 60-741.40 through 60-741.47;
3. a copy of your current VEVRAA AAP prepared in accordance with the requirements of 41 CFR §§ 60-300.40 through 60-300.45;
4. the information, including the support data, specified in the enclosed Itemized Listing.

If you are a post-secondary institution or Federal contractor with a campus-like setting that maintains multiple AAPs, you must submit the information requested in this scheduling letter for all AAPs developed for campuses, schools, programs, buildings, departments, or other parts of your institution, or company located in [city and state only].

Please submit your AAP(s) and the Itemized Listing information as soon as possible, but no later than 30 calendar days from the date you receive this letter. We request you submit your information electronically.<sup>4</sup> You may email your submission to [**Insert CO/ADD name and email address**]. Alternatively, you may contact [**Insert CO/ADD name and email address**] to discuss other electronic submission methods such as the Department's secure file sharing system, Kiteworks. You may also submit your information to the address listed on page one of this letter. Contact [**Insert CO/ADD name and email address**] to confirm successful transmission and receipt of the files.

Pursuant to 41 CFR §§ 60-1.12(e), 60-300.80(c), and 60-741.80(c), failure to preserve complete and accurate records constitutes non-compliance with your obligations as a Federal contractor or subcontractor. In addition, once the evaluation 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>

You should be aware that OFCCP may initiate enforcement proceedings if you fail to submit the AAPs and Itemized Listing information within 30 calendar days of your receipt of the letter. Please also be aware that OFCCP may use the information you provide during a compliance evaluation in an enforcement action. We may also share that information with other enforcement agencies within the U.S. Department of Labor, 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 (FOIA), the Trade Secrets Act, the Privacy Act, Executive Order 12600, and the

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<sup>4</sup> 41 CFR §§ 60-300.81 and 60-741.81 require contractors to provide records and other information in any of the formats in which they are maintained, as selected by OFCCP.

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

U.S. Department of Labor's FOIA regulations at 29 CFR § 70.26.<sup>6</sup> OFCCP will treat records provided by the contractor as confidential to the maximum extent the information is exempt from public disclosure under FOIA. OFCCP will evaluate all information requests pursuant to the public inspection and disclosure provisions of FOIA and the U.S. Department of Labor's implementing regulations and will safeguard and protect personally identifiable information to the maximum extent allowable under the law in accordance with the Privacy Act.

Please contact [**INSERT CO name/ADD name**] at **(XXX) XXX-XXXX** if you have any questions concerning the compliance evaluation.

Sincerely,

(Name of District Director)  
District Director

Enclosure (1)  
Itemized Listing

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<sup>6</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).

## **ITEMIZED LISTING**

### Executive Order 11246

1. An organizational display or workforce analysis prepared according to 41 CFR § 60-2.11.
2. The formation of job groups (covering all jobs) consistent with criteria given in 41 CFR § 60-2.12.
3. For each job group, a statement of the percentage of minority and female incumbents as described in 41 CFR § 60-2.13.
4. For each job group, a determination of minority and female availability pursuant to 41 CFR § 60-2.14.
5. For each job group, the comparison of incumbency to availability as explained in 41 CFR § 60-2.15.
6. Placement goals for each job group in which the percentage of minorities or women employed is less than would be reasonably expected given their availability as described in 41 CFR § 60-2.16.
7. Pursuant to 41 CFR § 60-2.17(c), provide documentation demonstrating the development and execution of action-oriented programs designed to correct any problem areas identified pursuant to 41 CFR § 60-2.17(b). The documentation should cover action-oriented programs addressing problems areas identified for the immediately preceding AAP year.

### Section 503

8. Documentation of appropriate outreach and positive recruitment activities reasonably designed to effectively recruit qualified individuals with disabilities, and an assessment of the effectiveness of these efforts as provided in 41 CFR § 60-741.44(f). This includes documentation of all activities undertaken to comply with the obligations at 41 CFR § 60-741.44(f), the criteria used to evaluate the effectiveness of each effort, and whether you found each effort to be effective. The documentation should also indicate whether you believe the totality of your efforts were effective. In the event the totality of your efforts were not effective in identifying and recruiting qualified individuals with disabilities, provide detailed documentation describing your actions in implementing and identifying alternative efforts, as provided in 41 CFR § 60-741.44(f)(3).
9. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-741.44(h).
10. 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.

11. The utilization analysis evaluating the representation of individuals with disabilities in each job group, 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 any underutilization of individuals with disabilities is identified, provide a description of the steps taken to determine whether and where impediments for equal employment opportunity exist in accordance with 41 CFR § 60-741.45(e). Pursuant to 41 CFR § 60-741.45(e) and (f), this description shall include your assessment of personnel processes, the effectiveness of your outreach and recruitment efforts (if different than Item 8), the results of your affirmative action program audit, any other areas that might affect the success of the affirmative action program, and a description of action-oriented programs developed and executed to correct any identified problem areas. Provide this information for the immediately preceding AAP year. If you are six months or more into your current AAP year on the date you receive this listing, provide the information that reflects your progress for at least the first six months of the current AAP year.

#### VEVRAA

12. Documentation of appropriate outreach and positive recruitment activities reasonably designed to effectively recruit qualified protected veterans, and an assessment of the effectiveness of these efforts as provided in 41 CFR § 60-300.44(f). This includes documentation of all activities undertaken to comply with the obligations at 41 CFR § 60-300.44(f), the criteria used to evaluate the effectiveness of each effort, and whether you found each effort to be effective. The documentation should also indicate whether you believe the totality of your efforts were effective. In the event the totality of your efforts were not effective in identifying and recruiting qualified protected veterans, provide detailed documentation describing your actions in implementing and identifying alternative efforts, as provided in 41 CFR § 60-300.44(f)(3).
13. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-300.44(h).
14. 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.
15. 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) for the current AAP year. 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.

## Support Data

16. Copies of Component 1 of your Employer Information Report EEO-1 (Standard Form 100 Rev.) for the last three years.<sup>7</sup> If you are a post-secondary institution, submit copies of your Integrated Postsecondary Education Data System (IPEDS) Human Resources Survey Component data collection reports for the last three years.
17. A copy of your collective bargaining agreement(s), if applicable. Include any other documents you prepared, such as policy statements, employee notices or handbooks, *etc.* that implement, explain, or elaborate on the provisions of the collective bargaining agreement.
18. Data on your employment activity (applicants, hires, promotions, terminations, and incumbency) for the immediately preceding AAP year. You should present this data by job group (as defined in your AAP) or by job title.<sup>8</sup>
  - a. Applicants: For each job group or job title, this analysis must consist of the total number of applicants identified by gender and by race/ethnicity.<sup>9</sup> For each job group or job title, applicants for whom race and/or gender is not known should be included in the data submitted. However, if some of your job groups or job titles (most commonly, entry-level) are filled from the same applicant pool, you may consolidate your applicant data for those job groups or titles. For example, where applicants expressly apply for or would qualify for a broad spectrum of jobs (such as “Production,” “Office,” *etc.*) that includes several job groups, you may consolidate applicant data.
  - b. Hires: For each job group or job title, this analysis must consist of the total number of hires identified by gender and race/ethnicity.
  - c. Promotions: Provide documentation that includes established policies and describes practices related to promotions.

Additionally, for each job group or job title, provide the total number of promotions by gender and race/ethnicity. Where the contractor maintains data on whether the promotion is competitive or non-competitive, it may also provide this information in its submission.

- d. Terminations: For each job group or job title, provide the total number of employee terminations by gender and race/ethnicity. When presenting terminations by job title, also include the department and job group from which the person(s) were terminated.

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<sup>7</sup> 41 CFR § 60-1.7.

<sup>8</sup> 41 CFR §§ 60-1.12, 60-2.11 to 2.12, 60-2.17(b)(2) and (d)(1), 60-3.4, and 60-3.15.

<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 Report.

- e. For each job title or job group, provide the total number of employees, by gender and race/ethnicity, as of the start of the immediately preceding AAP year.

If you are six months or more into your current AAP year on the date you receive this listing, please also submit data for items (a) through (e), above, for at least the first six months of the current AAP year.

19. Employee level compensation data for all employees (including but not limited to full-time, part-time, contract, per diem or day labor, and temporary employees) as of (1) the date of the organizational display or workforce analysis and (2) as of the date of the prior year's organizational display or workforce analysis. For each snapshot, provide a single file that contains for each employee, at a minimum, employee name or numerical ID, gender, race/ethnicity, hire date, job title, EEO-1 Category and job group.<sup>10</sup> If the requested data is maintained in an accessible electronic format, please provide it electronically.

Additionally, for each employee, provide the following information, as applicable. If the contractor does not maintain any of these items, please notate that in your submission:

- a. Base salary and/or wage rate, annualized base compensation, and hours worked in a typical workweek. Other compensation or adjustments to salary such as, but not limited to, bonuses, incentives, commissions, merit increases, locality pay or overtime shall also be identified separately for each employee.
- b. Provide relevant data on the factors used to determine employee compensation such as education, experience, time in current position, duty location, geographical differentials, performance ratings, department or function, job families and/or subfamilies, and salary level/band/range/grade.
- c. Provide documentation and policies related to the contractor's compensation practices, including those that explain the factors and reasoning used to determine compensation (*e.g.*, policies, guidance, or trainings regarding initial compensation decisions, compensation adjustments, the use of salary history in setting pay, job architecture, salary calibration, salary benchmarking, compensation review and approval, *etc.*).

20. Information on your E.O. 11246 affirmative action goals for the immediately preceding AAP year. This report must include information that reflects:

- a. job group representation at the start of the AAP year (*i.e.*, total incumbents, total minority incumbents, and total female incumbents);
- b. the placement goals established for minorities and women at the start of the AAP year; and

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<sup>10</sup> 41 CFR § 60-2.17(b)(3) and (d).

- c. the actual number of placements (hires plus promotions) made during the AAP year into each job group with goals (*i.e.*, total placements, total minority placements, and total female placements). For all placement goals not attained, describe the specific good faith efforts made to remove identified barriers, expand equal employment opportunity, and produce measurable results.

If you are six months or more into your current AAP year on the date you receive this listing, please also submit information that reflects progress on goals established in your current AAP year and describe your implementation of action-oriented programs designed to achieve these goals.<sup>11</sup>

21. Identify and provide information and documentation of policies, practices, or systems used to recruit, screen, and hire, including the use of artificial intelligence, algorithms, automated systems or other technology-based selection procedures.
22. Documentation that the contractor has satisfied its obligation to evaluate its “compensation system(s) to determine whether there are gender-, race-, or ethnicity-based disparities,” as part of the contractor’s “in-depth analyses of its total employment process” required by 41 CFR 60-2.17(b)(3). Include documentation that demonstrates at least the following:
  - a. When the compensation analysis was completed;
  - b. The number of employees the compensation analysis included and the number and categories of employees the compensation analysis excluded;
  - c. Which forms of compensation were analyzed and, where applicable, how the different forms of compensation were separated or combined for analysis (*e.g.*, base pay alone, base pay combined with bonuses, *etc.*);
  - d. That compensation was analyzed by gender, race, and ethnicity; and
  - e. The method of analysis employed by the contractor (*e.g.*, multiple regression analysis, decomposition regression analysis, meta-analytic tests of z-scores, compa-ratio regression analysis, rank-sums tests, career-stall analysis, average pay ratio, cohort analysis, *etc.*).
23. Copies of reasonable accommodation policies, and documentation of any accommodation requests received and their resolution, if any, for the immediately preceding AAP year. If you are six months or more into your current AAP year when you receive this listing, provide this information for at least the first six months of the current AAP year.
24. Copies of equal employment opportunity (EEO) policies, including antiharassment policies, policies on EEO complaint procedures, and policies on employment agreements

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<sup>11</sup> 41 CFR §§ 60-1.12 and 60-2.17(c).

that impact employees' equal opportunity rights and complaint processes (*e.g.*, policies on arbitration agreements). Please provide this information for policies in place for the immediately preceding AAP year. If you are six months or more into your current AAP year when you receive this listing, provide this information for at least the first six months of the current AAP year.

25. The contractor's most recent assessment of its personnel processes, as required by 41 CFR §§ 60-300.44(b) and 60-741.44(b). This assessment shall include, at a minimum, a description of the assessment, any impediments to equal employment opportunity identified through the assessment, and any actions taken, including modifications made or new processes added, as a result of the assessment.
26. The contractor's most recent assessment of its physical and mental qualifications, as required by 41 CFR §§ 60-300.44(c) and 60-741.44(c), including the schedule of the assessment and any actions taken or changes made as a result of the assessment.

#### Public Burden Statement:

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not 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 or subcontract, pursuant to 41 CFR Chapter 60. The estimated public reporting burden for this information collection is 37.5 hours, including the time for evaluating instructions, searching existing data sources, gathering and maintaining the data needed, and completing and evaluating the collection of information. 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 1250-0003.