

Unique Employment Law Obligations Imposed on Government Contractors: Tips for Compliance

Presented by Kris D. Meade

crowell  moring



Sources of Law

- Executive Order 11246 - affirmative action and non-discrimination
- Rehabilitation Act
- Vietnam Era Veterans Readjustment Assistance Act (VEVRAA)



Executive Order 11246

- Affirmative Action Plans (AAPs)
 - If contracts or subcontracts > \$50K and more than 50 employees - AAP for each “establishment”
 - Analyze representation of women and minorities
 - Assess whether “adverse impact” - hiring, promotions, terminations
 - “Update” annually
- “Flow down” obligation



Executive Order 11246

- Enforcement scheme
 - DOL's Office of Federal Contract Compliance Programs (OFCCP)
 - Audit Process
 - Receipt of scheduling letter - submit AAP and data within 30 days
 - "Desk audit"
 - Potential on-site audit - interviews; file review
 - Close out, conciliation agreement or enforcement



Compliance Tips

- AAPs
 - Complete in timely fashion
 - Quarterly assessments of data and trends
- Analyze compensation
 - Methodologies
 - Regularity
- Manage the Audit Process

