

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

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# 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

