

Deadline Not Clear for Covered Contractors to Register and Certify Affirmative Action Program Compliance in New OFCCP Contractor Portal

Article By:

Daniel H. Petkoff

Gregory S. Jacobs

Erin L. Felix

Holly A. Roth

The Office of Federal Contract Compliance (“OFCCP”) in the Department of Labor recently launched a new contractor portal to track Affirmative Action Program (“AAP”) compliance by covered contractors.¹ Originally, covered contractors had to certify AAP compliance by June 30, 2022. However, there have been some discrepancies in the OFCCP contractor portal concerning the inclusion of contractor establishments of less than 50 people. An extension has not been announced by the OFCCP, but it appears covered contractors will have more time to complete the AAP certification process in the new contractor portal due to the uncertainty surrounding these issues.

The OFCCP is responsible for ensuring compliance with several AAP requirements mandated by Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974.

Generally, a service or supply contractor is considered covered and required to develop a particular written AAP if they have at least 50 employees and a single government contract of \$50,000 or more. The Vietnam Era Veterans’ Readjustment Assistance Act of 1974 has a higher AAP threshold of 50 employees and a single contract of \$150,000 or more.

Contractors who meet AAP threshold requirements will be required to register and certify compliance in the new OFCCP contractor portal. Contractors will then be required to certify annually thereafter, whether they are meeting applicable AAP requirements.

With the new portal, it appears contractors may be subject to increased monitoring and scrutiny by the OFCCP of their compliance with AAP requirements. Please contact us if you have questions concerning compliance with OFCCP requirements.

FOOTNOTES

¹Covered contractors include prime contractors and subcontractors at every tier.

© Polsinelli PC, Polsinelli LLP in California

National Law Review, Volumess XII, Number 194

Source URL: <https://natlawreview.com/article/deadline-not-clear-covered-contractors-to-register-and-certify-affirmative-action>