



The OFCCP Ramps Up Enforcement

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IS YOUR COMPANY or organization a Federal contractor? If so, please take note that the Office of Federal Contract Compliance Programs (OFCCP), an agency of the U.S. Department of Labor, has become more aggressive when it comes to compliance enforcement. In fact, the agency is increasing compliance evaluations and complaint investigations by approximately 20 percent.

Recent enforcement enhancements include:

- Elimination of the cap on compliance reviews, which, up until now, was 25 facilities of a business per year
- Hiring over 200 additional compliance officers and other enforcement personnel.

This increase in enforcement is related to the outreach and recruitment of individuals with disabilities under Section 503 of the Rehabilitation Act of 1973 (as amended), as well as covered veterans, including vets with service-related disabilities which falls under the Vietnam Era Veterans Readjustment Assistance Act of 1974 (VEVRAA).

While the agency will consider good faith efforts, if the contractor is not successful in recruiting people with disabilities, they will want to know why, making it clear that this is not just about “checking the box.” They are looking for evidence of the outreach along with measurable results as a result of the outreach.

Acceptable outreach may include:

- Formal communication with college placement offices and direct communication with the college’s office of disability student services
- Appropriate depiction of individuals with disabilities in contractor marketing materials.

The OFCCP may also want to review a company’s processes to increase self-identification, such as review-

ing the invitation itself, how they are extended and what efforts are made to increase the likelihood that applicants would complete the invitation.

The OFCCP may also investigate internal mechanisms for informing applicants and employees of their contractors’ OFCCP-related obligations. At any time, applicants and employees with disabilities may be interviewed and asked if they are aware of their rights under the contractors’ Affirmative Action Plan (AAP) and, if so, if they have ever exercised their rights. The agency may request other information, such as:

- Position descriptions to check whether physical or mental job requirements are included
- Copies of all disability-related grievances
- List of all known employees who have a disability
- Copies of information provided to applicants concerning reasonable accommodations
- A contractor’s website accessibility and compatibility with the most common assistive technology software
- Avenues for applicants and employees to request accommodations.

Who is subject to OFCCP standards? Generally speaking, a company is a contractor and is covered by EEO laws enforced by the OFCCP if it enters into a non-exempt contract or subcontract with any department, agency, establishment or instrumentality of the executive branch of the Federal government for the purchase, sale or use of supplies or services.

To learn about best practices relative to OFCCP compliance, visit Springboard Consulting LLC online at www.consultspringboard.com. **PDJ**

Nadine Vogel is President of Springboard Consulting LLC. Springboard (www.consultspringboard.com) is considered a global expert; working with corporations, governments and organizations on issues pertaining to supporting the disability community in the workforce, workplace and marketplace. She is also the author of DIVE IN, Springboard into the Profitability, Productivity and Potential of the Special Needs Workforce.