

CLIENT ALERT



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“OFCCP PROPOSES WITHDRAWAL OF VOLUNTARY SELF-EVALUATIONS”

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The United States Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) current guidelines for federal contractors allow them to conduct voluntary self-evaluations of pay policies to determine whether there were systematic problems with compensation based on race or gender. Presumably, contractors that followed these guidelines and self-corrected identified issues with pay disparities would not be subject to OFCCP enforcement actions.

On January 3, 2011, OFCCP proposed the withdrawal of this voluntary standard. The Agency stated that the self-auditing mechanism was barely used by federal contractors, and that the Agency could better

rely on normal investigation tools to determine whether contractors are in compliance with pay equality rules. OFCCP claimed that the current standards interfere with the Agency’s ability to vigorously investigate allegations of pay discrimination by federal contractors.

This proposal is the latest in a series of similar moves by DOL seeking to reverse or deemphasize voluntary compliance and consultative services in favor of traditional administrative investigations and civil penalties. As part of its announcement, OFCCP stated that it is preparing a new data collection tool to assist the Agency in its investigation of contractor pay practices.

LABOR & EMPLOYMENT LAW DEPARTMENT

We at Goldman remain committed in assisting you and your business to adjust to these changes in the Law. For further information you may contact Luis F. Antonetti, Esq. or any of the attorneys in the Labor & Employment Law Department.

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