

CLIENT ALERT



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“COMPLIANCE DATE FOR NEW OFCCP FINAL AFFIRMATIVE ACTION RULES IS MARCH 24, 2014”

On August 27, 2013, the U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) announced two new final rules strengthening compliance requirements for federal contractors and subcontractors under the Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA) and Section 503 of the Rehabilitation Act. The rules impose new recruitment, training, and record keeping requirements on contractors and subcontractors, including an invitation for applicants to self-identify.

Published in the Federal Register on September 24, 2013, the rules are effective 180 days after their publication in the Federal Register. The compliance date for the regulations is March 24, 2014 with one exception. Current contractors with a written affirmative action program (AAP) already in place on March 24, 2014 may delay compliance with the requirements set forth in subpart C of the regulations and maintain their AAP in place until the end of their current AAP year.

While contractors are advised to begin preparing the updates to their employment practices, procedures and computer systems so they can comply with the new requirements on the effective date, clients are encouraged to adopt a more cautious approach to actually implementing the required changes before the effective date. Premature compliance with the rules may actually invite early OFCCP scrutiny of the contractor’s business and personnel records. Also, since the rules impose significantly expanded tracking of personnel decisions, data/record retention, and recruitment requirements, contractors may choose to wait until the effective date. Contractors should contact legal counsel for advice on how best to proceed with compliance. Counsel’s advice and assistance is recommended to determine the best means to conduct self-audits to ensure confidentiality, to align Human Resource Information Systems (HRIS) and online application systems to include the new terminology and self-identification categories, and to develop other policies and recruitment practices that will lead to compliance.



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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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