

VIA CERTIFIED MAIL
(NUMBER)
RETURN RECEIPT REQUESTED

(Contractor Official)
(Title of Contractor Official)
(Establishment Name)
(Street Address)
(City, State, Zip Code)

Dear (Contractor Official):

Your establishment located at _____ was selected by the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), for a compliance check under one or more of these authorities: 41 CFR §§ 60-1.20(a)(3), 60-300.60(a)(3), and 60-741.60(a)(3). The compliance check will focus on whether your establishment maintains certain employment records in accordance with the requirements of 41 CFR §§ 60-1.12, 60-300.80, and 60-741.80. Compliance checks are one of several investigative procedures available to OFCCP for conducting compliance evaluations. Other investigative procedures include compliance reviews, which may include a desk audit, on-site review and off-site analysis; off-site reviews of records; and focused reviews.

OFCCP enforces Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended. Executive Order 11246 prohibits federal contractors and subcontractors from discriminating based on race, color, religion, sex, sexual orientation, gender identity, and national origin. It also prohibits these employers from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about their pay or, in certain circumstances, the pay of their co-workers. Section 503 prohibits these employers from discriminating against individuals with disabilities, while VEVRAA prohibits discrimination against protected veterans.

As a federal contractor or subcontractor employing at least 50 people, and having a contract or subcontract over a certain dollar amount,¹ you are required to develop a written Affirmative Action Program (AAP) for each of your establishments or each functional or business unit if you have an approved agreement allowing the use of

¹ The threshold under Executive Order 11246 and Section 503 is \$50,000 or more. For VEVRAA, it is \$150,000 or more.

functional AAPs.² You must also maintain all records relating to personnel or employment activities.³ Such records provide support data for your AAP, and enable you to document and demonstrate nondiscrimination and affirmative action compliance. Failure to provide the requested information constitutes noncompliance with your obligations under the legal authorities OFCCP enforces.

In order to facilitate our compliance check, please make the information listed below available for on-site review. In the alternative, you can submit this information to OFCCP within 30 days of your receipt of this letter by mail using the U.S. Postal Service or email at _____. Please use caution when submitting large electronic files to ensure the information is securely transmitted. Check with the OFCCP compliance officer and your system administrator to ensure adherence to administrative and system guidelines.

1. AAP results for the preceding year (41 CFR §§ 60-2.1(b), 60-300.44, and 60-741.44).
2. Examples of job advertisements, including listings with state employment services (41 CFR §§ 60-1.12(a), 60-300.5(a)(2) 60-300.80, and 60-741.80).
3. Examples of accommodations made for persons with disabilities (41 CFR §§ 60-300.80 and 60-741.80).

A compliance officer will contact you to determine whether you will be providing the information for off-site review or if you prefer to make it available for onsite review. If you opt to make the records available for on-site review, OFCCP will view them at your establishment to ensure they have been maintained as required. The compliance officer will establish the date and time of the on-site review of your records.

While the compliance check only consists of a brief review of records, please note that as a federal contractor or subcontractor you are required to comply with all the regulations enforced by OFCCP. For more information regarding your obligations as a federal contractor or subcontractor, as well as to view the regulations OFCCP enforces, please visit our website at www.dol.gov/ofccp.

Refusing to allow OFCCP access to your establishment for the on-site review of requested records or failing to submit the listed records to OFCCP for the compliance check may result in enforcement proceedings or rescheduling for a full compliance review. Should this occur, we will notify you in writing.

Finally, the public may seek disclosure of the information you provide during a compliance evaluation. Under current law and regulations, OFCCP is required to comply with the Freedom of Information Act (FOIA), the Trade Secrets Act, the Privacy Act,

² 41 CFR §§ 60-1.40, 60-2.1, 60-300.40, and 60-741.

³ 41 CFR §§ 60-1.12, 60-300.80, and 60-741.80.

Executive Order 12600, and DOL's FOIA regulations at 29 CFR § 70.26, all of which govern the disclosure of confidential commercial information.⁴

If you have any questions concerning this matter, please contact XXXXXXXXXXXX at XXXXXXXXXXXX.

Sincerely,

(Name of District Director)
District Director

Public Burden Statement:

According to the Paperwork Reduction Act (PRA) of 1995, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. Your response is required as a condition of your federal contract or subcontract, pursuant to 41 CFR Chapter 60. The estimated public reporting burden for this information collection is 2 hours. If you have comments regarding the estimated reporting burden, or suggestions for reducing the burden, please send them to the Office of Federal Contract Compliance Programs (OFCCP), Division of Policy and Program Development, 200 Constitution Avenue, N.W., Room C-3325, Washington, D.C. 20210, and reference OMB Control Number 1250-0003.

⁴ 41 CFR §§ 60-1.20(g), 60-300.81, and 60-741.81; Freedom of Information Act, as amended, 5 U.S.C. § 552 (2009).