

THE BASICS FOR COMPANIES NEW TO THE WORLD OF “FEDERAL CONTRACTS”

What are the Federal Regulations that Describe Our Affirmative Action Obligations?

Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended and the affirmative action provisions (Section 4212) of the Vietnam Era Veterans' Readjustment Assistance Act, as amended taken together ban discrimination by Federal contractors and subcontractors. These regulations require Federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability or status as a Vietnam era or special disabled veteran.

The *basic* requirements for Federal contractors and subcontractors a (concerning Affirmative Action programs) are described in **Executive Order 11246**. The *specifics* about what must go into your Affirmative Action analyses and written narrative are laid out in regulations referred to as **41 CFR 60** (or some old hands simply refer to it as Chapter 60). The CFR in the title of these regulations stands for the “Code of Federal Regulations Pertaining to ESA” (that is the Department of Labor's Employment Standards Administration). You should read these documents. They are available online at www.dol.gov/elaws .

OFCCP requires a contractor, as a condition of having a federal contract, to engage in a *self-analysis* for the purpose of discovering any barriers to equal employment opportunity. No other Government agency conducts comparable systemic reviews of employers’ employment practices to ferret out discrimination. OFCCP also investigates complaints of discrimination. In Fiscal Year 1999, OFCCP conducted 3,833 compliance reviews.

What Kinds of “Self-Analysis” of Employment Practices are Required of Federal Contractors and Subcontractors?

- Develop an Affirmative Action Program
- Include an equal employment opportunity clause in each government contract
- Make “good faith efforts” to eradicate any “problem areas” that are found

Develop an Affirmative Action Program

The OFCCP divides corporate America into two worlds: *Construction contractors* and everyone else. Because the construction industry is so fluid, the government sets goals and specifies affirmative action which must be undertaken by Federal and federally assisted construction contractors. OFCCP issued specific national goals for women. The female goal of 6.9 percent was extended indefinitely in 1980 and remains in effect today. Construction contractors are not required to develop written affirmative action programs. The regulations enumerate the good faith steps construction contractors must take in order to increase the utilization of minorities and women in the skilled trades. You can review the regulations by going to www.dol.gov/elaws.

