

OFCCP Updates for Federal Contractors and Subcontractors

The OFCCP has added a number of new items on their website.

The first is designed to help the OFCCP identify class members in OFCCP discrimination cases. It is the [Class Member Locator Website](#). It shows a video which gives different discrimination situations and how the OFCCP might obtain a remedy. It also has a question and answer section that is directed to potential class members, community based organizations, and contractors. Interestingly, it has a question in the community based organization section that asks if the organization can contact the OFCCP through the Class Member Locator on behalf of a worker and the answer is “yes,” opening the door for another way that cases can arise.

The website lists current open cases and makes clear that all conciliation agreements will be on the website in the future. It also suggests to people who wonder if they might be class members in the future that they subscribe to the OFCCP web updates. Since anyone can subscribe, companies should be aware of the publicity that could come from this.

A review of the current cases listed on the website reinforces what contractors have been told for years—that is, **most cases involve failure to hire**. Every case listed except one involves applicants and also importantly, **the classes covered in the settlements include every race—including Caucasian—and both sexes**. **This brings another reminder that your hiring process and your information/documentation for the analysis is very important.**

The second new item has had little notice but contains a very important piece of information. It is a piece called [Jurisdictional Thresholds](#) and outlines the employee and dollar threshold for each regulation. It states that VEVRAA (the Veteran coverage) now has a threshold of \$150,000, not the previous \$100,000. It also notes that VEVRAA is subject to federal statute that adjusts certain requisition-related dollar thresholds for inflation. The others statutes, E.O. 11246 (females and minorities) and Section 503 (disability) remain \$50,000.

A short video entitled [Disability Inclusion Starts with You](#) has also been added to the website. This video encourages applicants and employees with disabilities to voluntarily self-identify and explains the requirements for federal contractors to invite this. The OFCCP has made this available for companies to download to their intranet or company website to help explain and encourage people to self-identify.

A [Reasonable Accommodation Pocket Card](#) is the fourth new addition to the website. This is a series of slides directed to employees that tell what a reasonable accommodation is, how to request one, what to tell an employer, and gives examples. The last slide urges people to contact the OFCCP if they've experienced discrimination.

These initiatives would seem to reinforce what we have been seeing and that is, the OFCCP is continuing to be much more aggressive.

If you have questions or need assistance with your affirmative action plan, please contact either Lori Lewellen in Columbus or Carolyn Potter or Carol Reubel in Cincinnati.