

Fed Contract Compliance Manual Revised After 25 Years

By Hope Eastman

In our last OFCCP-related blog, we reported on the new OFCCP regulations that require federal contractors and subcontractors for the first time to adopt quantifiable hiring goals for individuals with disabilities and hiring benchmarks for certain veterans.

At the same time, the OFCCP has issued an updated Federal Contract Compliance Manual (FCCM) to its website. This more than 500 page document has not been revised since 1988. It is internal enforcement guidance for the almost 800 people who enforce Executive Order 12246. It is not supposed to make substantive policy. Instead, it is designed to encourage uniform enforcement across offices for compliance evaluations, complaint investigations, and corporate management compliance evaluations. It covers supply and service contractors, as well as construction contractors.

The best guidance we can give to those of you responsible for affirmative action plans is to actually read it. It is a roadmap to compliance officer thinking and the steps they must go through to conduct an audit or respond to an individual complaint of discrimination.

Look especially at the employment practices section which calls upon compliance officers to address some issues not included in standard AAPs: leave issues, benefit issues, caregiver discrimination and treatment of pregnancy and related conditions.

Also look closely at the Standard Compliance Evaluation Report (SCER) (Appendix A to the FCCM available here). It is the actual report compliance officers complete. It is very important in any interaction with the OFCCP to look first at the SCER and review your plans to make sure that they are inclusive and acceptable to the OFCCP.

All of this reflects a renewed enforcement focus, changes for AAP text, more record-keeping, and more in-depth reviews and investigations. Stay turned for further developments.