

OFCCP Focused Reviews and Compliance Checks

Federal Contract Compliance Manual (FCCM) provides guidance to Contracting Officers (COs) regarding contractors' compliance obligations for Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973 (Section 503), as amended; the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974, as amended; OFCCP's regulations at 41 Code of Federal Regulations (CFR) Chapter 60; and applicable case law.

The FCCM provides new and experienced COs with the procedural framework for executing quality and timely compliance evaluations and complaint investigations. It provides procedural and technical guidance on compliance issues based on current agency procedures and processes and improves efficiency and consistency across the agency's regional and field offices. It may also provide covered contractors and subcontractors more transparency, certainty, and clarity about basic OFCCP procedures and processes.

Focused Review

Detailed information about focused reviews is available on the OFCCP website at www.dol.gov/agencies/ofccp/section-503/focused-reviews for Section 503 and www.dol.gov/agencies/ofccp/vevraa/focused-reviews for VEVRAA. Information about Accommodation Focused Reviews and Promotion Focused Reviews will be available before those reviews are scheduled.

Section 503 Focused Reviews

In a Section 503 focused review, a compliance officer will review policies and practices of a contractor related solely to Section 503 compliance. The review will include interviews with managers responsible for equal employment opportunity and Section 503 compliance as well as employees affected by those policies. OFCCP would also seek to evaluate hiring and compensation data, as well as the handling of accommodation requests, to ensure that individuals with disabilities are not being discriminated against in employment.

DOL OFCCP Directive 2018-04

To direct that a portion of future scheduling lists include focused reviews as to each of the three authorities that the Office of Federal Contract Compliance Programs enforces - the E.O., Section 503, and VEVRAA -as described in 41 C.F.R. § 60-1.20, 41 C.F.R. § 60-300.60; 41 C.F.R. § 60-741.60; and the Federal Contractor Compliance Manual (FCCM) at 1A00. <https://www.dol.gov/agencies/ofccp/directives/2018-04>

Scheduling Letter and Itemized Listing for Section 503 Focused Review

<https://www.dol.gov/agencies/ofccp/manual/fccm/figures-1-6/figure-f-4-scheduling-letter-and-itemized-listing-section>

For the purposes of this focused review, you are required to submit the following information:

1. A copy of your current Executive Order 11246 Affirmative Action Program (AAP) prepared in accordance with the requirements of 41 CFR §§ 60-1.40 and 60-2.1 through 60-2.17.^[1]
2. A copy of your current Section 503 AAP prepared in accordance with the requirements of 41 CFR §§ 60-741.40 through 60-741.47.
3. Results of the evaluation of the effectiveness of outreach and recruitment efforts that were intended to identify and recruit qualified individuals with disabilities as described in 41 CFR § 60-741.44(f).
4. Documentation of the computations or comparisons described in 41 CFR § 60-741.44(k) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this letter, provide the information for at least the first six months of the current AAP year.
5. The utilization analysis evaluating the representation of individuals with disabilities in each job group, or, if appropriate, evaluating the representation of individuals with disabilities in the workforce as a whole, as provided in 41 CFR § 60-741.45. If you are six months or more into your current AAP year on the date you receive this letter, please also submit information that reflects current year progress.
6. A copy of your collective bargaining agreement(s), if applicable. Include any other documents you prepared, such as policy statements, employee notices or handbooks, etc. that implement, explain, or elaborate on the provisions of the collective bargaining agreement.
7. Copies of reasonable accommodation policies, and documentation of any accommodation requests received and their resolution, if any.
8. Your most recent assessment of your personnel processes, as required by 41 CFR § 60-741.44(b), including a description of the review and any actions taken or changes made as a result of the assessment.
9. Your most recent assessment of physical and mental qualifications, as required by 41 CFR § 60-741.44(c), including the schedule for the review and any actions taken or changes made as a result of the assessment.

Details from FCCM for Section 503 AAP and Itemized Listing of Data

<https://www.dol.gov/agencies/ofccp/manual/fccm/chapter-1-desk-audit/1g-review-section-503-aap-and-itemized-listing-data>

Sample On-Site Guide

<https://www.dol.gov/sites/dolgov/files/ofccp/section503-FocusedReviews/files/Section503OnsiteGuideFinal12919.pdf>

Sample Focused Review Report

<https://www.dol.gov/sites/dolgov/files/ofccp/section503-FocusedReviews/files/Section503SampleSCERFinal12919.pdf>

Section 503 Focused Review Frequently Asked Questions

1. [What is a Section 503 focused review?](#)
2. [Why is OFCCP conducting Section 503 focused reviews?](#)
3. [Where can I learn more about the Section 503 Focused Review?](#)
4. [The Section 503 focused review scheduling letter requests our Executive Order 11246 affirmative action program \(AAP\) as well. Will OFCCP review the Executive Order AAP during a 503 focused review?](#)
5. [If a contractor is in the middle of a Section 503 focused review, can it also be scheduled for other types of reviews?](#)
6. [Upon being scheduled for a Section 503 focused review who do I need to talk to or email for compliance assistance, outreach, and education?](#)
7. [How can I contact OFCCP if I have questions about the Section 503 Focused Review Compliance Evaluation?](#)
8. [Does the Section 503 Focused Review Scheduling Letter request data and information required in the Section 503 regulations?](#)
9. [Will OFCCP analyze personnel activity data during a Section 503 focused review?](#)
10. [Will focused reviews take place at all contractor facilities?](#)
11. [What will OFCCP examine and assess during a Section 503 focused review?](#)
12. [Has OFCCP identified Section 503 best practices to assist organizations and employers with recruitment, hiring, and retention of individuals with disabilities?](#)
13. [Is it permissible for federal contractors to develop and implement diversity and inclusion programs for applicants and employees with disabilities?](#)
14. [OFCCP recently began issuing Section 503 focused review scheduling letters. When should we expect the compliance evaluation to take place?](#)
15. [Are federal contractors permitted to proactively recruit and hire individuals with disabilities?](#)
16. [Can contractors provide applicants and employees with additional information about the purpose of the form and the potential benefits of self-identification?](#)
17. [Are contractors permitted to alter OFCCP's self-identification form?](#)

Accommodation Checks

OFCCP recently announced that it will begin conducting focused reviews addressing **disability and religious accommodations** as a part of its focused review initiative. The goal of these reviews is to ensure that contractors are not discriminating against employees and applicants through denials of accommodation requests, and to provide technical assistance and other guidance to contractors so they are better able to provide accommodations to their workforce and applicants in all aspects required by equal employment opportunity laws.

In conducting these reviews, Compliance Officers will examine a contractor's policies and procedures related solely to religious and disability accommodations, as identified in the scheduling letter. The Compliance Officer will specifically review documentation relating to accommodation requests and dispositions, with a particular emphasis on denial(s) of accommodation. The review will also include interviews with managers responsible for or involved in the accommodation process as well as with affected employees and applicants.

Accommodations Focused Reviews FAQs

OFCCP recently announced that it will begin conducting focused reviews addressing disability and religious accommodations as a part of its focused review initiative. These frequently asked questions provide more background and general guidance to contractors on accommodations and what to expect during a review.

What is an accommodations focused review?

In an accommodations focused review, Compliance Officers (CO) will review a contractor's policies and procedures related solely to the provision of religious and disability accommodations. The CO will specifically review documentation relating to accommodation requests and dispositions, with a particular emphasis on denial(s) of accommodation. The review will also include interviews with managers responsible for or involved in the accommodation process, as well as with affected employees and applicants.

What are the requirements for religious and/or disability accommodation requests?

While not identical, the processes for religious and disability accommodations are similar. Both generally require that contractors grant accommodations requests unless they can demonstrate that doing so would create an "undue hardship." Examples of common religious accommodations include, but are not limited to, providing space and time for prayers, allowing employees to wear religious head coverings or facial hair, and adjusting schedules so that employees do not have to work on religious holidays or Sabbaths. Generally, religious accommodation requests do not need to be accompanied by documentation proving "sincerely held religious beliefs." Requests for disability accommodations, on the other hand, may require the submission of documentation of the need for accommodation based on the nature of the disability. Examples of disability accommodations include, but are not limited to, adjustments or

modifications made to a job or workplace to accommodate an individual with a disability, such as providing modified equipment and devices, changing work schedules, or holding meetings in accessible areas.

What are the requirements for an undue hardship defense related to religious and/or disability accommodations?

While not identical, the requirements for an undue hardship defense related to religious and/or disability accommodations are similar. As described in [41 CFR 60-50.3](#), for an undue hardship defense related to religious accommodations, contractors must consider, at minimum, business necessity, financial cost or expense, and resulting personnel problems. As described in [41 CFR 60-741.2\(aa\)](#) in the disability context, the factors to be considered include:

- The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding;
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
- The overall financial resources of the contractor, the overall size of the business of the contractor with respect to the number of its employees, and the number, type and location of its facilities;
- The type of operation or operations of the contractor, including the composition, structure and functions of the work force of such contractor, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the contractor; and
- The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Why is OFCCP conducting accommodations focused reviews?

OFCCP and the U.S. Department of Labor are committed to ensuring compliance with the equal employment opportunity laws that we enforce. The accommodations focused reviews will bring attention to contractor nondiscrimination obligations in the areas of religion and disability, as part of the agency's effort to ensure contractors comply with all aspects of the laws OFCCP administers.

We have a centralized accommodations system already in use for processing disability accommodation requests. Would it be appropriate to incorporate religious accommodation requests as well?

Centralized accommodation systems can be an efficient, high-impact way for contractors to better serve their employees when it comes to disability and religious accommodations provided those individuals processing disability accommodation requests are also

knowledgeable about how to handle religious accommodations requests in a legally appropriate way.

Where can I learn more about the accommodations focused review?

OFCCP created a landing page that specifically discusses accommodations focused reviews. It can be accessed at www.dol.gov/agencies/ofccp/focused-reviews/accommodations.

If an establishment has been scheduled for an accommodations focused review, can it also be scheduled for other types of reviews?

No. While a focused review is pending at an establishment, the establishment will not be scheduled for any other types of compliance evaluations. However, if OFCCP receives a complaint during the accommodations focused review alleging violations under any of the three laws OFCCP administers, OFCCP will investigate the complaint accordingly.

Upon being scheduled for an accommodations focused review, who should I contact for compliance information and/or assistance?

Contractors are encouraged to take advantage of OFCCP's compliance assistance materials available in the *Contractor Assistance* tab at the top of OFCCP's [website](#). Contractors can also contact the OFCCP [regional](#) or [district](#) office that sent the scheduling letter for any questions about the compliance evaluation process or if they require individualized compliance assistance. OFCCP's district office staff will contact the contractor to offer technical assistance before or immediately after sending the scheduling letter. Finally, contractors can seek assistance through the [Contractor Assistance Portal](#).

Promotion Reviews

OFCCP recently announced that it will begin conducting promotions focused reviews. Over the past few decades, many studies have examined the existence of a “glass ceiling” **that keeps qualified individuals, such as women of color or people with disabilities, from rising to higher positions in their workplaces.** To the extent these difference are grounded in unlawful discrimination on any basis protected under Executive Order 11246, Section 503 of the Rehabilitation Act (Section 503), or the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), OFCCP plays a vital role in finding, addressing, and remedying these violations of the law. OFCCP will review contractor data, policies, and procedures related to promotions to ensure that federal contractors are meeting their equal employment opportunity obligations. Another goal of these focused reviews is to provide compliance assistance and other guidance to contractors to help them meet their equal employment opportunity obligations.

In 2018, OFCCP issued [Focused Review Directive \(DIR\) 2018-04](#) to introduce a comprehensive initiative aimed at examining compliance with specific portions of contractors' equal employment opportunity obligations. The agency started with focused reviews examining contractor compliance with Section 503. Based on the success of the Section 503 focused reviews, OFCCP has expanded the program to include VEVRAA focused reviews. **Now, OFCCP is further expanding the focused review program to examine whether contractors' promotions practices and procedures comply with their obligations under OFCCP's laws. One aspect of these reviews will be to examine whether discrimination occurs at the intersection of race and gender.**

The scheduling letter specifies the documents and data that a contractor must provide to OFCCP when selected for a promotions focused review. The letter and itemized listing are tailored to obtain basic affirmative action programs, support data, and information applicable specifically to promotion opportunities, policies and practices. Compliance Officers will review, among other things, contractor policies and procedures, employee personnel files, and personnel data tracking contractors' promotion decisions. Compliance Officers will also conduct interviews with managers responsible for promotion decisions and, if applicable, with affected employees. OFCCP may also evaluate hiring and compensation policies, procedures, and data, as appropriate, to determine if qualified applicants are being steered into lower paying positions with limited upward mobility or otherwise prevented from advancing professionally.

Promotions Focused Review Frequently Asked Questions

OFCCP recently announced that it will begin conducting focused reviews addressing promotions as a part of its focused review initiative. These frequently asked questions provide more background and general guidance to contractors on what to expect during a promotions focused review.

How does OFCCP define promotion?

OFCCP's Federal Contract Compliance Manual (FCCM) defines promotion as "[a]ny personnel action resulting in, for example, the movement to a position affording higher pay, greater rank, change in job title, or increase in job grade; an increase in pay, requiring greater skill or responsibility; or the opportunity to attain such. A promotion may be either competitive or noncompetitive." The definition of promotions as inclusive of advancement opportunities recognizes that promotion policies and/or procedures may effectively foster or hinder advancement and, as such, should be examined and corrected if discriminatory.

What is a promotions focused review?

OFCCP's promotions focused reviews will concentrate solely on contractors' policies, practices, and personnel data related to promotions, and specifically whether there is evidence of systemic discrimination in the advancement opportunities for qualified individuals. Each promotions focused review will consist of a desk audit followed by an on-site investigation which will include, but is not limited to, a review of policies and procedures, employee personnel files

and interviews with managers responsible for promotions decisions as well as affected employees. For example, OFCCP may evaluate hiring and compensation data, as appropriate, to help determine if women of color are being limited from advancing professionally.

Why is OFCCP conducting a promotions focused review?

In order to ensure contractor compliance with the affirmative action and nondiscrimination regulations that the agency enforces, OFCCP has begun implementing reviews focused on Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act, respectively. In line with these efforts, OFCCP will conduct focused reviews specific to promotions, to ensure that federal contractors comply with their equal employment opportunity obligations under those laws as well as Executive Order 11246. During the reviews, OFCCP will suggest additional voluntary best practices contractors may choose to adopt. Promotions focused reviews were developed to address "glass ceiling" issues in advancement opportunities for qualified individuals, including those who are often under- or unrepresented in promotions, such as women of color or people with disabilities. OFCCP will provide helpful guidance and best practices to contractors in meeting their equal employment opportunity obligations.

What should contractors do to prepare for a promotions focused review?

As a part of a contractor's affirmative action program, a contractor must perform in-depth analyses of its total employment process to determine whether and where impediments to equal employment opportunity exists. [41 CFR 60-2.17\(b\)](#). This includes evaluating personnel activity (including promotions) and selection procedures to identify whether disparities exist on the basis of a protected characteristic. [41 CFR 60-2.17\(b\)\(2\)](#), [41 CFR 60-2.17\(b\)\(4\)](#). Self-audit results should be shared with OFCCP as part of the focused review and compliance assistance sought by the contractor. Examination of internal and external recruitment and outreach efforts may also be conducted to determine if candidate pools are diverse and reflective of available candidates in the market or workforce. If the contractor identifies a pattern of underrepresentation or lack of representation in promotions or promotion opportunities for qualified individuals covered by OFCCP's protected bases, action should be taken to address the problem.

Where can I learn more about the promotions focused reviews?

OFCCP created a landing page that specifically discusses Promotions Focused Reviews. These materials can be accessed at <https://www.dol.gov/agencies/ofccp/focused-reviews/promotions>

If a contractor establishment has been scheduled for a promotions focused review, can it also be scheduled for other types of reviews?

No. While a focused review is pending at an establishment, that establishment will not be scheduled for any other types of compliance evaluations. However, if OFCCP receives a discrimination complaint during a promotions focused review alleging violations under any of the three laws OFCCP administers, OFCCP will investigate the complaint concurrently with the promotions focused review.

Compliance Checks

A Compliance Check determines whether a contractor maintains records consistent with their obligations under OFCCP's laws and has correctly certified in the U.S. General Services Administration's (GSA) System for Award Management database that it has established Affirmative Action Programs (AAP) at each establishment. Depending on the certification and records review, the agency may convert the compliance check into a compliance review of the establishment.

A compliance check is a determination of whether the contractor has maintained records consistent with Executive Order 11246, Section 503 of the Rehabilitation Act (Section 503), and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). The check includes a review of the affirmative action program (AAP) results under each of these laws, in addition to job advertisements and examples of reasonable accommodations for persons with disabilities.

Find answers to [Compliance Check Frequently Asked Questions](#).

View the compliance check regulations (41 CFR 60-1.20, 41 CFR 60-300.60, and 41 CFR 60-741.60) in the [Code of Federal Regulations](#).

Scheduling Letter Template

OMB NO. 1250-0003 Expires 04/30/2023

<https://www.dol.gov/agencies/ofccp/compliance-checks/scheduling-letter>

Corporate Scheduling Announcement List Frequently Asked Questions

OFCCP published a new Corporate Scheduling Announcement List (CSAL) of 2,250 Supply & Service establishments, and a new CSAL of 200 construction contractors.

The CSALs provide contractors a minimum 45-day courtesy notification before OFCCP begins sending its OMB-approved scheduling letters. After receiving the OMB-approved scheduling letter, contractors will have the standard 30 days to submit their Affirmative Action Programs (AAPs). As a result, all contractors on the current lists are receiving a **minimum of 75 days advance notice** to have the AAPs ready for submission. OFCCP will also grant a one-time 30-day extension for supporting data where AAPs are provided timely as indicated in OFCCP's FAQ on [requesting an extension for submission of AAPs and supporting data](#), which should be reviewed for more information on this topic.

No establishment that concluded a review or concluded progress report monitoring resulting from a conciliation agreement or consent decree, within the last two years, is included on the scheduling lists.

Corporate Scheduling Announcement List - Questions and Answers

1. [What is OFCCP's Corporate Scheduling Announcement List?](#)
2. [How is the CSAL different from a Scheduling Letter?](#)
3. [How does OFCCP determine the size and frequency of its scheduling list?](#)
4. [Is it possible for an establishment to undergo a review during the scheduling cycle without receiving a CSAL?](#)
5. [Where can I find more information about Focused Reviews?](#)
6. [What is a Compliance Check?](#)
7. [Is there a regulatory or statutory limit on the number of establishments that can be scheduled per contractor?](#)
8. [Why do scheduling lists have different limits on the number of establishments per parent company?](#)
9. [How can a contractor obtain more information about the compliance evaluation process?](#)
10. [Why does OFCCP make the CSAL list available in its FOIA Library?](#)
11. [What can I do if the establishment address is wrong, the facility is closed or the establishment was scheduled in error?](#)
12. [What is the difference between closure and relocation of an establishment?](#)
13. [What if an establishment appears on the CSAL but is exempt from review pursuant to an approved Early Resolution Conciliation Agreement \(ERCA\)?](#)
14. [What is covered in a University Review?](#)
15. [Will HIRE Vets Medallion Winners receive an exemption from the FY 2019 VEVRAA Focused Reviews Scheduling List?](#)
16. [Will a VEVRAA focused review include an on-site review?](#)
17. [The CSAL includes construction contractors scheduled for compliance checks. Will OFCCP schedule construction contractors for compliance reviews?](#)
18. [How are CMCE establishments selected for a compliance evaluation?](#)
19. [Can a corporate headquarters be scheduled for an establishment evaluation instead of a CMCE review?](#)