

OMB NO. 1250-0003
Expires XX/XX/XXXX

VIA CERTIFIED MAIL
(NUMBER)
RETURN RECEIPT REQUESTED

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

Dear (Name of CEO):

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 41 CFR § 60-1.20(a)(3), § 60-250.60(a)(3), § 60-300.60(a)(3) and/or § 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, § 60-250.80, § 60-300.80 and § 60-741.80. Compliance checks are one of several tools available to OFCCP for conducting its compliance evaluations; other tools include compliance reviews (which may include a desk audit, on-site review and off-site analysis), off-site reviews of records, and focused reviews.

By way of background, OFCCP enforces Executive Order 11,246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Section 4212), as amended (38 U.S.C. § 4212). These laws prohibit discrimination by Federal contractors and subcontractors and require them to take affirmative action to ensure equal employment opportunity for all individuals, including women, minorities, individuals with disabilities, and protected veterans.

As a Federal contractor or subcontractor employing at least 50 people, and having a contract that totals \$50,000 or more,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 functional AAPs.² You must also maintain all records relating to personnel or employment activities. Such records provide support data for your AAP, and enable you to document and

¹ In the case of 41 CFR § 60-300.40, \$100,000 or more.

² 41 CFR § 60-1.40, 41 CFR § 60-2.1, 41 CFR § 60-741.40, 41 CFR § 60-250.40, and 41 CFR § 60-300.40.

demonstrate nondiscrimination and affirmative action compliance. Failure to furnish the requested information may constitute 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 USPS or email at _____.

1. Your AAP results for the preceding year (41 CFR § 60-1.12(b)).
2. Examples of job advertisements, including listings with state employment services (41 CFR § 60-1.12(a), § 60-250.80, § 60-300.80, and § 60-741.80).
3. Examples of accommodations made for persons with disabilities (41 CFR § 60-1.12(a), § 60-250.80, § 60-300.80, and § 60-741.80).

If you choose to make the records available for on-site review, we will view them at your establishment to ensure they have been maintained as required by 41 CFR § 60-1.12, § 60-250.80, § 60-300.80, and § 60-741.80. A Compliance Officer will contact you shortly to establish the date and time of the on-site review of your records.

While our 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. More information regarding your obligations as a Federal contractor or subcontractor is on our Web site (<http://www.dol.gov/ofccp/>), or you may request a copy of the regulations from this office.

Refusing to allow us 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 will result in the selection of your establishment for another, more in-depth form of compliance evaluation. Should this occur, we will notify you in writing.

If you have any questions concerning this matter, please feel free to contact _____ at _____.

Sincerely,

(Name of District Director)

District Director

SUPPLEMENTAL NOTE

Under the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a request for the collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is currently 1250-0003 (previously 1215-0072). The time required to complete this information collection is estimated to average .5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send any comments concerning this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

OMB NO. 1250-0003
Expires XX/XX/XXXX

VIA CERTIFIED MAIL
(NUMBER)
RETURN RECEIPT REQUESTED

(Name of contractor official)
(Title of contractor official)
(Establishment Name)
(Street Address)
(City, State, Zip Code)

Dear (Name of contractor official):

The U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), selected your _____ [Insert: establishment, functional unit, or corporate headquarters] located at _____ for a _____ [Insert: compliance evaluation or corporate management compliance evaluation (CMCE)]. We are conducting this _____ [Insert: compliance evaluation or CMCE] under the authority of Executive Order 11,246, Section 503 of the Rehabilitation Act of 1973,¹ the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974² and their implementing regulations in 41 CFR Chapter 60.³ In addition to determining your compliance with these authorities, we will also verify your compliance with the regulations issued by the Veterans' Employment and Training Service (VETS) requiring contractors covered under Section 4212 to file an annual report on their employment and hiring of protected veterans.⁴

A compliance evaluation is initiated as a compliance review. The compliance review may progress in three phases: a desk audit, an on-site review, and an off-site analysis. OFCCP describes the phases of a compliance review in its regulations at 41 CFR Chapter 60.⁵ For the desk audit, please submit the following information:

1. a copy of your current Executive Order Affirmative Action Program (AAP) prepared in accordance with the requirements of 41 CFR § 60-1.40, and 41 CFR § 60-2.1 through § 60-2.17;

¹ 29 U.S.C. § 793 (2006).

² 38 U.S.C. § 4212 (2006).

³ E.O. 11246, as amended, 3 CFR 339 12319 (1965); Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (2006); Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (2006).

⁴ The VETS regulations require Federal contractors to submit either or both the VETS-100 and the VETS-100A Federal Contractor Report on Veterans' Employment. See 41 CFR § 61-250.10 and § 61-300.10.

⁵ 41 CFR §§ 60-1.20(a), 60-250.60(a), 60-300.60(a), and 60-741.60(a).

2. a copy of your current Section 503 and Section 4212 AAPs prepared in accordance with the requirements of 41 CFR § 60-741.40 through § 60-741.44, 41 CFR § 60-250.40 through § 60-250.44 and/or 41 CFR § 60-300.40 through § 60-300.44, respectively; and
3. the support data specified in the enclosed Itemized Listing.

Please submit your AAPs and the support data specified in the enclosed Itemized Listing to the address listed on page one of this letter as soon as possible, but no later than 30 days from the date you receive this letter. Pursuant to 41 CFR § 60-1.12(e), failure to preserve complete and accurate records constitutes non-compliance with your obligations as a Federal contractor or subcontractor. Once the evaluation begins, you are required to maintain all personnel and employment records described in the regulations enforced by OFCCP until the final disposition of the evaluation.⁶

We encourage you to submit your information in an electronic format to reduce the amount of time it takes to complete our evaluation of your [Insert establishment, functional unit, or corporate headquarters]. Should you opt to email your submissions, use email address _____.

You should be aware that OFCCP may initiate enforcement proceedings if you fail to submit AAPs and support data that represent a reasonable effort to meet the requirements of the regulations in 41 CFR Chapter 60.

Rest assured that OFCCP considers the information you provide in response to this Scheduling Letter as sensitive and confidential. Therefore, any disclosures we may make will be consistent with the provisions of the Freedom of Information Act.⁷

Please contact _____ at _____ if you have any questions concerning the compliance evaluation.

Sincerely,

(Name of District Director)
District Director

Enclosure (1)
Itemized Listing

⁶ 41 CFR §§ 60-1.12(a), 60-250.80(a), 60-300.80(a), and 60-74.80(a).

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

ITEMIZED LISTING

Executive Order AAP

1. An organizational profile prepared according to 41 CFR § 60-2.11.
2. The formation of job groups (covering all jobs) consistent with criteria given in 41 CFR § 60-2.12.
3. For each job group, a statement of the percentage of minority and female incumbents as described in 41 CFR § 60-2.13.
4. For each job group, a determination of minority and female availability that considers the factors given in 41 CFR § 60-2.14(c)(1) and (c)(2).
5. For each job group, the comparison of incumbency to availability as explained in 41 CFR § 60-2.15.
6. Placement goals for each job group in which the percentage of minorities or women employed is less than would be reasonably expected given their availability as described in 41 CFR § 60-2.16.

Support Data:

7. Copies of your Employer Information Report EEO-1 (Standard Form 100 Rev.) for the last three years.¹
8. Copies of your employment leave policies including, but not limited to, policies related to sick leave, medical leave, personal leave, leave for pregnancy, leave for pregnancy-related conditions, leave for religious holidays and observances, Family Medical Leave, and other leaves of absence.² Also, submit copies of your policies on accommodations for religious holidays and observances.

If any of these leave and religious accommodation policies are a part of your employee handbook or manual, you may send the handbook/manual or a copy of the cover of the handbook/manual, the Table of Content and relevant pages on leave and religious accommodations policies.

9. 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.

¹ 41 CFR § 60-1.7.

² 41 CFR § 60-1.12(a), 41 CFR § 60-250.80(a), 41 CFR § 60-300.80(a), and 41 CFR § 60-741.80(a).

10. Information on your affirmative action goals for the immediately preceding AAP year and, where applicable (see below), progress on your goals for the current AAP year.³

For the immediately preceding AAP year, this report must include information that reflects:

- a. job group representation at the start of the AAP year, (i.e., total incumbents, total minority incumbents, and total female incumbents);
- b. the percentage placement rates (% goals) established for minorities and women at the start of the AAP year; and
- c. the actual number of placements (hires plus promotions) made during the AAP year into each job group with goals (i.e., total placements, total minority placements, and total female placements). For goals not attained, describe the specific good faith efforts made to achieve them.

If you are six months or more into your current AAP year on the date you receive this listing, please also submit information that reflects progress on goals established in your current AAP year, and describe your implementation of action-oriented programs designed to achieve these goals.⁴

11. Data on your employment activity (applicants, hires, promotions, and terminations) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information in 11(a) through (c) below for at least the first six months of the current AAP year. You should present these data by job group (as defined in your AAP) and by job title.⁵

- a. Applicants and Hires: For each job group and job title, this analysis must consist of the total number of applicants and the total number of hires, as well as the number of African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, White, and the number of female and male applicants and hires. For each job group and job title applicants for whom race and/or sex is not known, should be included in the data submitted.

However, if some of your job groups or job titles (most commonly, entry-level) are filled from the same applicant

³ 41 CFR § 60-1.12(a), 41 CFR § 60-2.1(c) and 41 CFR § 60-2.16.

⁴ 41 CFR § 60-1.12 and 41 CFR § 60-2.17(c).

⁵ 41 CFR § 60-1.12, 41 CFR § 60-2.11-12, 41 CFR § 60-2.17(b) (2) and (d) (1), and 41 CFR §§ 60-3.4 and 3.15.

pool, you may consolidate your applicant data (but not hiring data) for those job groups or titles.

For example, where applicants expressly apply for or would qualify for a broad spectrum of jobs (such as "Production," "Office," etc.) that includes several job groups, you may consolidate applicant data.

- b. Promotions: For each job group and job title, provide the total number of promotions by gender and race/ethnicity,⁶ as well as the actual pool of candidates who applied or were considered for promotion by gender and race/ethnicity. Also, include a definition of "promotion" as used by your company. If it varies for different segments of your workforce, please define the term as used for each segment.
- c. Terminations: For each job group and job title, provide the total number of employee terminations by gender and race/ethnicity, as well as the actual pool of candidates who were considered for terminations by gender and race/ethnicity.

Additionally, please identify employee terminations as either voluntary or involuntary, if available. When presenting terminations by job title, include the department and job group from which the person(s) terminated.

12. Employee level compensation data for all employees (including but not limited to full-time, part-time, contract, per diem or day labor, temporary) as of February 1st (i.e., the data as it existed on the most recent February 1st date). Provide gender and race/ethnicity information and hire date for each employee by job title, EEO-1 Category and job group, preferably in a single file.⁷ Provide all requested data electronically via email or computer disc in Excel or PDF format, if available.
 - a. For all employees, compensation includes base salary, wage rate, and hours worked. Other compensation or adjustments to salary such as bonuses, incentives, commissions, merit increases, locality pay or overtime should be identified separately for each employee.
 - b. You may provide any additional data on factors used to determine employee compensation, such as education, past experience, duty location, performance ratings, department or function, and salary level/band/range/grade.

⁶ The term "race/ethnicity" as used throughout the Itemized Listing includes these racial and ethnic groups: African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, and White.

⁷ 41 CFR § 60-2.17(b)(3) and (d).

- c. Documentation and policies related to compensation practices of the contractor should also be included in the submission, particularly those that explain the factors and reasoning used to determine compensation.⁸
13. Support Data for Section 503 and Section 4212 (commonly referred to as VEVRAA).
- a. Copies of your Veterans' Employment Report (VETS-100 and/or VETS-100A) for current year and the previous year.⁹
 - b. Copies of accommodation policies and records of accommodations granted under Section 503 and Section 4212.

NOTES

NOTE 1: If any of the requested information is computerized, you may submit it in an electronic format. Please use caution when submitting large electronic files. Check with the OFCCP Compliance Officer and your system administrator to ensure adherence to administrative and system guidelines.

Note 2: According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1250-0003. We estimate that the average time required to complete this information collection is 26.01 hours per response, including the time for evaluating instructions, searching existing data sources, gathering and maintaining the data needed, and completing and evaluating the collection of information.

Send any comments concerning this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

⁸ Any request for disclosure of information obtained from a contractor pursuant to this request will be evaluated pursuant to the public inspection and disclosure provisions of the Freedom of Information Act (FOIA) at 5 U.S.C. 552, and the Department of Labor's implementing regulations at 29 CFR Part 70. OFCCP also adheres to all applicable provisions of the Privacy Act.

If, however, a contractor still has legitimate concerns about the confidentiality of information provided pursuant to this item such as employee names, reasons for termination, or pay data, the use of alphabetic or numeric coding or an index of pay and pay ranges, consistent with the ranges assigned to each job group, may be acceptable for purposes of the compliance evaluation.

⁹ 41 CFR § 61-250.10 and 41 CFR § 61-300.10.