

Client Alert

LABOR, EMPLOYMENT AND BENEFITS PRACTICE GROUP | NOVEMBER 2011

WIGGIN AND DANA

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If you have questions or need assistance with any of these items, please do not hesitate to contact either:

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OFCCP Compliance Audit Update

We are writing to alert government contractor clients about a recent change in the OFCCP audit process. In the past, the OFCCP has requested contractors to provide an extensive amount of information during an audit to support the numbers in the contractor's affirmative action plan ("AAP"). Now, in addition to requesting such data, the OFCCP requires detailed information regarding the contractor's efforts on recruitment and retention of veterans and individuals with disabilities. A copy of a request that we encountered in a recent audit, with redactions to protect client confidentiality, can be viewed [here](#). As you will see, in this case the OFCCP wanted the information provided at an on site visit; however, we have also seen the OFCCP ask for this information to be emailed to the investigator during the desk stage of the audit. According to what we have been told by the OFCCP, any contractor that cannot produce all of these items and/or establish compliance with the listed requirements, will be obligated to enter into a conciliation agreement to close an audit.

Contractors should also be aware that the focus of compliance audits has changed under the Obama administration. There is an increased emphasis on auditing compensation data to determine if there is systemic discrimination, and also on outreach efforts for veterans and individuals with disabilities. New regulations regarding veterans have been proposed and are expected to be finalized within the next few months.

We suggest that you review the items listed in the attached letter and determine if your organization would be able to comply promptly if it were to receive a notice of audit from the OFCCP.

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