

THE
NATIONAL LAW REVIEW

OFCCP Shares Some News At Financial Industry Town Hall

Thursday, April 11, 2019

On April 9, 2019, in New York City, OFCCP hosted a town hall focused on the “financial industry and related fields.” Guy Brenner of Proskauer attended what was an enlightening and informative event.

The purpose of the town hall was to provide government contractors in the financial sector the opportunity to share their views with OFCCP. To that end, participants engaged in a number of brainstorming sessions, sharing their views on what OFCCP can do to help contractors, as well as ideas to improve diversity and inclusion results.

But the key takeaway from the day was the information shared by OFCCP Director Craig Leen regarding upcoming initiatives. Here are the highlights:

- Focus on promotions. Director Leen started off the day by sharing that OFCCP is trying to increase the number of women in senior roles at companies. He stated that it was an area “where we can make a big impact.” To that end, OFCCP is going to focus more on promotions during audits, and will create new focused reviews on promotions of women and women of color. Leen shared his view that promotions (or lack thereof) impact pay equity. He also noted concern about the role inequitable parental leave policies may have on opportunities for women to advance in the workplace.
- AAP Verification Initiative. Leen stated that the [AAP verification initiative](#) is already in effect, noting that OFCCP has worked AAP compliance into a number of its processes. For example, during Section 503 Focused Reviews OFCCP will require contractors submit their Executive Order 11246 AAPs in part to ensure they have been prepared. In addition, during establishment compliance reviews, contractors must provide their AAPs within 30 days of the issuance of the scheduling letter and no extensions will be provided. Leen shared that compliance officers will also be checking the SAM database to see how contractors under review have answered the annual AAP preparation inquiry and address any discrepancies between answers provided in SAM with what is observed during audits. Finally, OFCCP is currently working on a new collection effort whereby contractors would be required to certify AAP compliance and even submit AAPs annually to OFCCP through a web portal. Such initiatives would go through notice and public comment, and would need approval of the Office of Management and Budget.
- Additional Pay Guidance. OFCCP is preparing a new guidance document for contractors focused on how to form pay analysis groups. Leen said the guidance should be issued “very soon.”
- Reducing the length of audits. Leen believes it takes OFCCP “way too long to do audits.” He aims to reduce the length of audits, and shared that he has already achieved some success. The average length of desk audits is now roughly thirty days, down from over 100 days. Leen appears to now be focused on shortening the time devoted to conciliation efforts. He shared that while the agency is committed to the process, it should not take 2 or 3 years to complete. He suggested that conciliation should last no more than six months.
- Opinion Letters and Online Help Desk. Leen stated that these resources which were announced in [December](#) would be available “soon.”



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- **New Awards Programs.** Leen shared that OFCCP is considering some new recognition programs, suggesting that the agency might create an award for contractors with Functional Affirmative Action Programs, as well as recognizing contractors that demonstrate a strong commitment to compliance during audits.

No Let Up. As the points above make clear, OFCCP is and will continue to be quite active in the future.

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