LEGAL UPDATES

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Timeline Approaches for Certification of AAPs Under OFCCP Compliance Obligations

Services

Government Contracts

OFCCP Compliance

The Office of Federal Contract Compliance Programs (OFCCP) requires supply and service contractors and subcontractors (collectively referred to as "contractors") that meet certain jurisdictional thresholds to develop and maintain written Affirmative Action Programs (AAPs). Until February 1, 2022, though, the OFCCP lacked a process for annually evaluating contractor compliance with AAP requirements. Beginning on February 1, 2022, the OFCCP launched the Contractor Portal, a new platform on which contractors must register their organizations and certify on an annual basis whether each of their establishments or functional business units have satisfied their AAP requirements. OFCCP intends that the portal will also be used to submit AAPs during compliance evaluations.

Timeline for registration and certification

As of February 1, 2022, contractors have been able to access and register their organizations by creating an account using their Employer Identification Number (EIN) and the EEO-1 identifiers based on the 2018 EEO-1 report. According to the OFCCP, the registration process is configured to work only with identifiers from the 2018 EEO-1 report.

Beginning on March 31, 2022, contractors will be able to use the portal to certify their AAP compliance obligations. Existing contractors must file certifications through the Contractor Portal by no later than June 30, 2022. New contractors have 120 days to develop their AAPs and must register and certify compliance through the Contractor Portal within 90 days of developing the AAPS.

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To facilitate use of the Contractor Portal, the OFCCP has published FAQs and "How-To Videos" that address questions regarding registration and updates of establishments or functional business units.

What this means to you

Covered federal contractors should register their establishments or functional business units now and be prepared to certify their AAPs within the OFCCP compliance deadlines.

Contact us

If you would like assistance with preparation of AAPs for your establishment or business units, contact Molly Kurt, Tracey O'Brien or your Husch Blackwell attorney.

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