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**OFCCP Enforcement
During the Trump Administration—
What Federal Contractors Need to Know**

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OFCCP Enforcement During the Trump Administration —What Federal Contractors Need to Know

The last fifteen months have brought increased activity and significant changes to the Office of Federal Contract Compliance Programs (OFCCP), including the appointment of new Director Craig E. Leen and the arrival of 11 new policy directives. This paper will discuss the directives and other significant OFCCP initiatives.

I. OFCCP DIRECTIVES

OFCCP policy directives are intended to provide guidance to OFCCP staff and federal contractors on enforcement and compliance policy. While directives do not establish any new rights or obligations and do not change the applicable laws and regulations under Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), they often provide insight into OFCCP initiatives, procedures, and processes.

Below is a brief summary of the directives and other significant initiatives during Director Craig Leen's tenure at OFCCP:

Directive 2018-03 (August 10, 2018)	Executive Order 11246, § 204(c), Religious Exemption This directive is designed to ensure faith-based organizations can compete for federal grants, contracts, programs, and federal funding opportunities without having to disavow their religious character.
Directive 2018-04 (August 10, 2018)	Focused Reviews of Contractor Compliance This directive outlines OFCCP's plans to conduct focused reviews in fiscal year 2019 to evaluate a single protected group in a compliance review, starting with individuals with disabilities.

<p>Directive 2018-05 (August 24, 2018)</p>	<p>Analyses of Contractor Compensation Practices During a Compliance Evaluation This directive includes revamped guidance on compensation investigation and enforcement, and its accompanying frequently asked questions provide contractors with some insight into how OFCCP may evaluate their compensation data in an audit.</p>
<p>Directive 2018-07 (August 24, 2018)</p>	<p>Affirmative Action Program Verification Initiative This directive aims to ensure contractors are annually preparing and implementing written affirmative action programs (AAPs) by requiring contractors to annually certify they have prepared AAPs and to develop information technology so OFCCP can collect and review AAPs. The directive allows OFCCP to include noncompliant contractors in the neutral audit scheduling process.</p>
<p>Directive 2018-08 (September 19, 2018)</p>	<p>Transparency in OFCCP Compliance Activities This directive is aimed at increasing agency and audit transparency. OFCCP reserves the right to grant contractors extensions to submit support materials if they timely submit their AAPs. Failure to timely submit AAPs and support data in a desk audit will result in the issuance of a show cause notice.</p>
<p>Directive 2018-09 (September 19, 2018)</p>	<p>OFCCP Ombud Service This directive creates a new Ombud Service to listen to contractors’ concerns about OFCCP matters and areas for improvement, and to facilitate resolution of issues at the district and regional office levels.</p>
<p>Directive 2019-01 (November 30, 2018)</p>	<p>Compliance Review Procedures This directive rescinds Directive 2011-01, which required full desk audits, and will help to “shorten full desk audits and conciliate violations more efficiently.” Any contractor establishment audited by OFCCP will not be audited again for 24 months after closure of an audit or acceptance of a final progress report under a conciliation agreement.</p>
<p>Directive 2019-02 (November 30, 2018)</p>	<p>Early Resolution Procedures The goal of this directive is to resolve supply and service contractors’ audits “at the earliest stage possible” and to work with multi-establishment contractors to develop corporate-wide corrective actions to remedy non-discrimination violations, such as recordkeeping. If early resolution procedures are utilized, OFCCP will not schedule a new compliance evaluation for five years from the date of an Early Resolution Agreement with Corporate-Wide Corrective Action.</p>

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