

VIA [INSERT CERTIFIED MAIL (TRACKING NUMBER) RETURN RECEIPT REQUESTED,
EMAIL (EMAIL ADDRESS) READ 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 (DOL)'s Office of Federal Contract Compliance Programs (OFCCP) has selected your company for a construction compliance review under Executive Order (E.O.) 11246.¹ This compliance review will also assess whether your company is in compliance with its obligations under Section 503 of the Rehabilitation Act of 1973 (Section 503) and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA)² if you have federal contract(s) or subcontract(s)³ that meet the coverage threshold requirements of these two laws. Please note that if your company's sole contract coverage comes from federally assisted construction contracts you are not required to submit the information requested in the enclosed Section 503 and VEVRAA Itemized Listings.

The purpose of this compliance review is to determine if your company is in compliance with its equal employment opportunity obligations on all of its federal, federally assisted, and non-federal construction projects located in the *(as appropriate insert either (1) the name(s) of Standard Metropolitan Statistical Area(s) (SMSA) or (2) the name(s) of Non-SMSA(s))* which is composed of the following county(s) or county equivalents: *(insert all applicable county(s) and/or county equivalents if SMSAs are not designated)*.

¹ E.O. 11246, *as amended* by E.O. 11375, E.O. 12086, E.O. 13279, E.O. 13665, and E.O. 13672.

² Section 503 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. 793; Vietnam Era Veterans' Readjustment Assistance Act of 1974, *as amended*, 38 U.S.C. 4212. Section 503 covers federal construction contractors with a direct government contract in excess of \$15,000, and VEVRAA applies to federal construction contractors with a direct government contract of \$150,000 or more. *See* Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 75 FR 53129 (Aug. 30, 2010); Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds, 80 FR 38293 (July 2, 2015) (increasing the coverage thresholds, in accordance with the inflationary adjustment requirements in 41 U.S.C. 1908). Contractors with 50 or more employees and a direct federal contract of \$50,000 or more also have affirmative action program (AAP) requirements under Section 503 (*see* 41 CFR part 60-741, subpart C). For VEVRAA, contractors with 50 or more employees and a contract of \$150,000 or more have AAP requirements (*see* 41 CFR part 60-300, subpart C).

³ Subcontractors perform, undertake, or assume any portion of the contractor's obligation, or perform work or provide supplies or services necessary to the performance of your federal contract, in whole or in part. For more information, *see* 41 CFR 60-1.3 (defining "subcontract" and "subcontractor").

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 60.⁴

For the desk audit, please submit the information requested in the enclosed Itemized Listing(s) as soon as possible, but no later than 30 calendar days from the date you receive this letter. We request that you submit the employment activity data in an electronic database that is readable and in a comma-separated values (.csv) or Excel (.xls and .xlsx) file format. Alternatively, you may contact [Insert Investigator/ADD name and email address] to discuss other electronic submission formats. Employment activity data includes, but is not limited to, data on compensation, applicants, hires, promotions, layoffs, recalls and terminations.

You may email your submission to [Insert Investigator/ADD name and email address]. Alternatively, you may contact [Insert Investigator/ADD name and email address] to discuss other electronic submission methods such as the Department's secure file sharing system, Kiteworks. You may also submit your information to the address listed on page one of this letter. Contact [Insert Investigator/ADD name and email address] to confirm successful transmission and receipt of the files. Pursuant to 41 CFR 60-1.12(e), 60-300.80(c), and 741.80(c), failure to preserve complete and accurate records constitutes noncompliance with your obligations as a federal contractor or subcontractor. Once the review begins, you are required to maintain all personnel and employment records described in the regulations enforced by OFCCP until the final disposition of the compliance review.⁵

If your contract(s) meet the coverage threshold requirements for VEVRAA, we will also verify your compliance with the regulations issued by the Veterans' Employment and Training Service (VETS) requiring contractors and subcontractors covered by VEVRAA to file an annual report, the VETS-4212 report.⁶

You should be aware that OFCCP may initiate enforcement proceedings if you fail to submit the Affirmative Action Programs (AAPs) and Itemized Listing information within 30 calendar days of your receipt of this letter. Please also be aware that OFCCP may use the information you provide during a compliance review in an enforcement action. We may share that information with other enforcement agencies within DOL, as well as with other federal civil rights enforcement agencies with which we have information sharing agreements.

Finally, the public may seek disclosure of the information you provide during a compliance review. Under current law and regulations, OFCCP is required to comply with the Freedom of Information Act (FOIA), the Trade Secrets Act, the Privacy Act, Executive Order 12600, and the U.S. Department of Labor's FOIA regulations at 29 CFR 70.26.⁷ OFCCP will treat records provided by the contractor as confidential to the maximum extent the information is exempt from

⁴ 41 CFR 60-1.20(a), 60-300.60(a), and 60-741.60(a).

⁵ 41 CFR 60-1.12(a), 60-300.80(a), and 60-741.80(a).

⁶ 41 CFR Part 61-300 implements 38 U.S.C. 4212(d), as amended by the Jobs for Veterans Act. The implementing regulations require covered federal contractors to submit, at least annually, a report on veterans' hiring and workforce representation to the Department of Labor. In addition, 41 CFR 60-300.60(c) provides that if a contractor has not complied with any such reporting requirement, OFCCP will notify VETS.

⁷ 41 CFR 60-1.20(g), 60-300.81, and 60-741.81; Freedom of Information Act, as amended, 5 U.S.C. 552 (2009).

public disclosure under FOIA.⁸ OFCCP will evaluate all information requests pursuant to the public inspection and disclosure provisions of FOIA and the U.S. Department of Labor's implementing regulations and will safeguard and protect personally identifiable information to the maximum extent allowable under the law in accordance with the Privacy Act.

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

Sincerely,

(Name of District Director)
District Director

Enclosure (3)
Itemized Listing – Executive Order 11246
Itemized Listing – Section 503
Itemized Listing – VEVRAA

Public Burden Statement: According to the Paperwork Reduction Act (PRA) of 1995, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The estimated public reporting burden for this information collection is 36.4 hours for direct Federal construction contractors and 19.7 hours for federally assisted construction contractors. If you have comments regarding the estimated reporting burden, or suggestions for reducing the burden, please send them to the OFCCP, Division of Policy and Program Development, 200 Constitution Avenue, N.W., Room C-3325, Washington, D.C. 20210, and reference OMB Control Number 1250-0001.

⁸ *Id.*

ITEMIZED LISTING – EXECUTIVE ORDER 11246

1. A list of all construction projects (Federal, non-Federal, and federally assisted) in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* where construction work was performed during the preceding 12 months,⁹ including:
 - a. the name of the project;
 - b. the location(s) where work was performed;
 - c. whether the project is commercial or residential;
 - d. whether the project is Federal, federally assisted, or non-Federal; and
 - e. the start and end dates (or anticipated end dates) of each project.

2. For each project identified in Item 1, please provide employee-level payroll data for all construction trade employees working in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. The information should include items (a)-(q) for all trade employees, as well as those employees involved in the supervision, inspection, and other onsite functions incidental to the actual construction:
 - a. Employee name or ID;
 - b. Gender;
 - c. Race/Ethnicity;¹⁰
 - d. Hire date;
 - e. Union affiliation;
 - f. Apprenticeship status;
 - g. Employment type, including but not limited to, full-time, part-time, contract, per diem or day labor, and temporary employees;
 - h. Job title;
 - i. Trade or supervision, inspection, or onsite function (*e.g.*, foreperson);
 - j. Regular hours worked in each trade, as indicated in your certified payroll;
 - k. Regular rate of pay, as indicated in your certified payroll;
 - l. Total regular pay, as indicated in your certified payroll;
 - m. Overtime hours worked in each trade, as indicated in your certified payroll;
 - n. Overtime rate of pay, as indicated in your certified payroll;
 - o. Total overtime pay, as indicated in your certified payroll;
 - p. Bonus or other pay, as indicated in your certified payroll; and
 - q. Time period covered for the pay and work hours provided in (j)- (p).

3. Data on your construction employment activity (applicants, hires, promotions, layoffs, recalls, and terminations) in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. The information provided must include employment activity data for all trade employees, as well as those

⁹ Calculate the preceding 12 months based upon the date of receipt of this letter.

¹⁰ 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. You also have the option of submitting the requested data using the race and ethnicity categories on the EEO-1 survey.

employees involved in the supervision, inspection, and other onsite functions incidental to the actual construction.¹¹

- a. Applicants: This list should include all applicants, including walk-ins, electronic applications, and referrals from unions and/or employment and recruitment services, identified by name, race/ethnicity, gender, date applied, trade(s) applied for, referral source (including whether a walk-in applicant), and the action taken for each individual. Applicants for whom race/ethnicity and/or gender is not known should still be included in the data submitted.
 - b. Hires: This list should include the name/employee ID,¹² trade, job title, date of hire, gender, and race/ethnicity for each employee hired. If an individual is a re-hire, please note that.
 - c. Promotions: Provide the name, trade, job title, date of promotion, gender, and race/ethnicity for each promoted employee. Include a definition of “promotion” as used by your company and the basis on which they were compiled (*e.g.*, promotions to the trade, from the trade, and/or within the trade, *etc.*). If it varies for different trades, please define the term as used for each trade.
 - d. Layoffs: This list should include the name, trade/job title, gender, race/ethnicity, date of layoff, reason for layoff, and recall eligibility for each employee laid off.
 - e. Recalls: This list should include the name, trade/job title, date of recall, gender, and race/ethnicity for each recalled employee. Also, include a copy of the established recall list used during the review period.
 - f. Terminations: This list should include the name, trade/job title, termination date, gender, and race/ethnicity for each employee terminated, as well as the specific reason for the termination.
4. Copies of the company’s current Equal Employment Opportunity (EEO) policies, including the EEO Policy implemented pursuant to 41 CFR 60-4.3(a)7.f., antiharassment policies, policies on EEO complaint procedures, policies on employment agreements that impact employees’ equal opportunity rights and complaint processes (*e.g.*, policies on arbitration agreements), and any other EEO policies.
 5. Records showing that the contractor included the “Standard Federal Equal Employment Opportunity Construction Contract Specifications” and the “Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity” in its construction subcontracts in excess of \$10,000, as required by 41 CFR 60-4.3(a)2. The records must cover the preceding 12 months.

¹¹ As provided in 41 CFR 60-1.3, “construction work” means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

¹² The contractor may submit an employee ID rather than an employee name, as provided in 41 CFR 60-1.20(f).

6. A list of all minority and female recruitment sources your company utilized in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. 41 CFR 60-4.3(a)7.b.
7. Documentation that your company provided notice to minority, female, and community organizations; to schools with minority and female students; and to minority and female recruitment and training organizations when it or its union (if applicable) had employment opportunities available in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. 41 CFR 60-4.3(a)7.b. and 41 CFR 60-4.3(a)7.i.
8. Documentation showing that the contractor provided notice of the company's EEO policy to unions and training programs and requested their cooperation in assisting the company in meeting its EEO obligations during the preceding 12 months, as provided in 41 CFR 60-4.3(a)7.f. If the company does not have a union or training program, it should note that in its submission.
9. Records identifying trade organization affiliations and unions that provide workers for the company's construction contracts in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))*, including a copy of any applicable collective bargaining agreements. 41 CFR 60-1.4(a)(6), 41 CFR 60-1.4(b)(6), and 41 CFR 60-1.12; *see* 41 CFR 60-4.3(a)5 and 41 CFR 60-4.3(a)7.d. If your company does not use a union or trade organization to provide workers, please indicate so in your response.
10. Documentation demonstrating your company reviewed its EEO policy with all management personnel and all relevant employees working in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. 41 CFR 60-4.3(a)7.f. and 41 CFR 60-4.3(a)7.g.
11. Documentation of job advertisements posted for construction work in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. 41 CFR 60-4.3(a)7.h.
12. Documentation of subcontract solicitations made to minority- and female-owned and operated construction contractors, including documentation that the company circulated solicitations to minority and female contractor associations and other business associations for construction subcontracts in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. 41 CFR 60-4.3(a)7.o.
13. A list of training programs your company developed and/or participated in, including upgrading programs, pre-apprenticeship, apprenticeship, trainee, and on-the-job training programs in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. 41 CFR 60-4.3(a)7.e.

14. A copy of your EEO-1 Consolidated Report (EEOC Standard Form 100, formerly referred to as a “Type 2” report) from the most recent filing period.¹³ If your company did not file an EEO-1 Report, please provide the total number of individuals employed company-wide as of the date of this letter. 41 CFR 60-1.7(a).
15. A copy of any reasonable accommodation policies and documentation of all accommodation requests received and their resolution, if any, during the preceding 12 months (if different than those submitted in response to Section 503 Item 9 and VEVRAA Item 9 below). This documentation would include requests for accommodations for pregnancy, childbirth, or related medical conditions and accommodations for religious observances and practices. 41 CFR 60-1.12(a). If your company does not have written reasonable accommodation policies or did not receive reasonable accommodation requests during the preceding 12 months, indicate so in your response.
16. Identify *all* tests and selection procedures used in the hiring process for positions in the *(as appropriate insert either (1) the name(s) of SMSA(s) or (2) the name(s) of Non-SMSA(s))* during the preceding 12 months. This includes technology-based tests and selection procedures (*e.g.*, artificial intelligence, algorithms, automated systems), as well as *any other* non-technology-based tests and selection procedures (*e.g.*, written tests, work simulations, structured interview questions) utilized by your company in the hiring process. Provide evidence that these tests and selection procedures were validated where necessary in accordance with 41 CFR 60-4.3(a)7.k. and 41 CFR 60-3.
17. Provide evidence that your company monitored personnel and employment-related activities during the preceding year to ensure that seniority practices, job classifications, work assignments and other personnel practices did not have a discriminatory effect and that the EEO policy and the contractor's EEO obligations were being carried out, as provided in 41 CFR 60-4.3(a)7.m.

¹³ If you are a single-establishment employer, please submit a copy of your most recent EEO-1 Single-Establishment Employer Report (EEOC Standard Form 100, formerly referred to as a “Type 1” report). You are only required to submit component 1 of the EEO-1 Report.

ITEMIZED LISTING - SECTION 503

Note: If your company's sole contract coverage comes from federally assisted construction contracts you are not required to submit the information requested in the Section 503 Itemized Listing.

1. A copy of your current Section 503 Affirmative Action Program (AAP) prepared in accordance with the requirements of 41 CFR 60-741.40 through 60-741.47, if the company is subject to Section 503.
2. Documentation showing the contractor provided notice of the company's EEO policy to unions and requested their cooperation in assisting the company in meeting its EEO obligations during the preceding 12 months, as provided in 41 CFR 60-741.44(g)(2). If the company does not have a union, it should note that in its submission.
3. Your most recent assessment of your personnel processes, as required by 41 CFR 60-741.44(b). This assessment shall include, at a minimum, a description of the assessment, any impediments to equal employment opportunity identified through the assessment, and any actions taken, including modifications made or new processes added, as a result of the assessment.
4. Your most recent assessment of your physical and mental job qualifications, as required by 41 CFR 60-741.44(c), including the schedule of the assessment and any actions taken or changes made as a result of the assessment.
5. Documentation of appropriate outreach and positive recruitment activities reasonably designed to effectively recruit qualified individuals with disabilities, and an assessment of the effectiveness of these efforts, as provided in 41 CFR 60-741.44(f). This includes documentation of all activities undertaken to comply with the obligations at 41 CFR 60-741.44(f), the criteria used to evaluate the effectiveness of each effort, and whether you found each effort to be effective. The documentation should also indicate whether you believe the totality of your efforts was effective. In the event the totality of your efforts was not effective in identifying and recruiting qualified individuals with disabilities, provide detailed documentation describing your actions in implementing and identifying alternative efforts, as provided in 41 CFR 60-741.44(f)(3). Provide this information for the immediately preceding AAP year. If you are six months or more into your current AAP year on the date you receive this listing, also provide information on your outreach and recruitment activities for at least the first six months of the current AAP year.¹⁴
6. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR 60-741.44(h).
7. Documentation of the computations or comparisons described in 41 CFR 60-741.44(k) 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 for at least the first six months of the current AAP year.

¹⁴ For example, if a contractor's AAP year begins on January 1 and the contractor receives the scheduling letter in October, the contractor must provide data for January through June for the current year in addition to the data for the entire immediately preceding year.

8. The utilization analysis evaluating the representation of individuals with disabilities in each construction trade, or, if appropriate, evaluating the representation of individuals with disabilities in the workforce as a whole, as provided in 41 CFR 60-741.45. If any underutilization of individuals with disabilities is identified, provide a description of the steps taken to determine whether and where impediments to equal employment opportunity exist in accordance with 41 CFR 60-741.45(e). Pursuant to 41 CFR 60-741.45(e) and (f), this description shall include your assessment of personnel processes, the effectiveness of your outreach and recruitment efforts (if different than Item 5), the results of your affirmative action program audit, any other areas that might affect the success of the affirmative action program, and a description of action-oriented programs developed and executed to correct any identified problem areas. Provide this information for the immediately preceding AAP year. If you are six months or more into your current AAP year on the date you receive this listing, provide the information that reflects your progress for at least the first six months of the current AAP year.

9. A copy of any reasonable accommodation policies for individuals with disabilities, and documentation of all accommodation requests received and their resolution, if any, for the immediately preceding AAP year. If you are six months or more into your current AAP year when you receive this listing, also provide the information for at least the first six months of the current AAP year. 41 CFR 60-741.80.

ITEMIZED LISTING – VEVRAA

Note: If your company's sole contract coverage comes from federally assisted construction contracts you are not required to submit the information requested in the VEVRAA Itemized Listing.

1. A copy of your current VEVRAA AAP prepared in accordance with the requirements of 41 CFR 60-300.40 through 60-300.45, if the company is subject to VEVRAA.
2. Documentation showing the contractor provided notice of the company's EEO policy to unions and requested their cooperation in assisting the company in meeting its EEO obligations during the preceding 12 months, as provided in 41 CFR 60-300.44(g)(2). If the company does not have a union, it should note that in its submission.
3. Your most recent assessment of your personnel processes, as required by 41 CFR 60-300.44(b). This assessment shall include, at a minimum, a description of the assessment, any impediments to equal employment opportunity identified through the assessment, and any actions taken, including modifications made or new processes added, as a result of the assessment.
4. Your most recent assessment of your physical and mental job qualifications, as required by 41 CFR 60-300.44(c), including the schedule of the assessment and any actions taken or changes made as a result of the assessment.
5. Documentation of appropriate outreach and positive recruitment activities reasonably designed to effectively recruit qualified protected veterans, and an assessment of the effectiveness of these efforts, as provided in 41 CFR 60-300.44(f). This includes documentation of all activities undertaken to comply with the obligations at 41 CFR 60-300.44(f), the criteria used to evaluate the effectiveness of each effort, and whether you found each effort to be effective. The documentation should also indicate whether you believe the totality of your efforts were effective. In the event the totality of your efforts was not effective in identifying and recruiting qualified protected veterans, provide detailed documentation describing your actions in implementing and identifying alternative efforts, as provided in 41 CFR 60-300.44(f)(3). Provide this information for the immediately preceding AAP year. If you are six months or more into your current AAP year on the date you receive this listing, also provide information on your outreach and recruitment activities for at least the first six months of the current AAP year.¹⁵
6. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR 60-300.44(h).
7. Documentation of the computations or comparisons described in 41 CFR 60-300.44(k) 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 for at least the first six months of the current AAP year.

¹⁵ For example, if a contractor's AAP year begins on January 1 and the contractor receives the scheduling letter in October, the contractor must provide data for January through June for the current year in addition to the data for the entire immediately preceding year.

8. Documentation of the hiring benchmark adopted, and the methodology used to establish it if using the five factors described in 41 CFR 60-300.45(b)(2) for the current AAP year. If you are six months or more into your current AAP year on the date you receive this listing, please also submit current year hiring data to measure against your benchmark.
9. A copy of any reasonable accommodation policies for disabled veterans (if different from the standard reasonable accommodation policies for individuals with a disability) and documentation of all accommodation requests received and their resolution, if any, for the immediately preceding AAP year. If you are six months or more into your current AAP year when you receive this listing, also provide the information for at least the first six months of the current AAP year. 41 CFR 60-300.80.