

# OFCCP'S YEAR IN REVIEW

HudsonMann Client  
Conference 2015

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# OFCCP By the Numbers (FY 2014)



- 3,987 compliance evaluations
- \$11.9 million in back pay remedies
- 23,000+ victims of discrimination

Consistency across regions  
a blessing and a curse

# Finalized Rules & Regulations

# Veteran and Disability Regulations



- Effective March 24, 2014
- Phased-in compliance years have commenced
- Self-identification implementation

# Veteran and Disability Regulations

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- Annual Analysis of Outreach Efforts
- Annual Review of Physical and Mental qualifications
- <http://hudsonmann.com/ofccp-new-regulations-compliance-checklist/>

# Audit Scheduling Letter



- Updated for new VEVRAA and Section 503 regulations
- Must submit personnel activity by detailed race and gender
- Employee-level compensation data

# VETS-4212 Report



- Replacing the VETS-100 and VETS-100A
- Aggregate counts of protected veterans
- Effective for 2015 reporting cycle (July-September)



How will you track veteran  
employees?

# Minimum Wage for Federal Contractors

- New contracts on or after January 1, 2015
- Applies to contracts for:
  - ▣ Davis-Bacon Act
  - ▣ Service Contract Act
  - ▣ Concessions
  - ▣ Connected to government property
- \$10.10/hour

# Executive Order 13673



- “Fair Pay and Safe Workplaces”
- Contracting officers to consider violations before awarding contracts
- Covers preceding 3-year period

# Gender Identity Directive

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- OFCCP adopted EEOC's stance on gender identity
- Gender identity & transgender discrimination = sex discrimination
- Gender stereotypes should not affect employment decisions

# LGBT Regulations

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- Effective April 8, 2015
- Adds sexual orientation and gender identity to lists of protected classes under E.O. 11246
- Requires updates to EEO Policy Statements and EEO is the Law posters

Still in the works...

# Pay Transparency Regulations

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- Prohibits pay secrecy policies
- Prohibits adverse action against employees or applicants for discussing their compensation
  - ▣ OR the compensation of other employees
- Exception for employees who handle compensation as part of essential job functions

Equal Pay Report  
coming soon...



# Discrimination on the Basis of Sex



- Proposed Rule published on January 28, 2015
- Updates “guidelines” from 1970
- Expands guidance on what qualifies as sex discrimination

# Discrimination on the Basis of Sex

- Adds protections for pregnant women
- Prohibits job segregation or “steering” as compensation discrimination
- Childcare leave must be available for men on the same terms as it is for women
- And many more provisions

# OFCCP's Next 12 Months



- Lots of regulations to finalize
- Focus on pay discrimination
- New regulations for construction contractors