

OFCCP Takes Next Step In Establishing An Annual AAP Certification Program

Government Contractor Compliance & Regulatory Update Blog on **September 15, 2020**

On September 14, 2020, the [Federal Register](#) published an information collection request (“ICR”) by the OFCCP in which the agency discloses that it “seeks authorization for an annual Affirmative Action Program online certification process for federal contractors and for a secure method for federal contractors to submit AAPs electronically to OFCCP when they are scheduled for a compliance evaluation.”

In the ICR, the OFCCP requests public comment on its plan, noting it is “particularly interested in comments which:

- Evaluate the proposed frequency and level of information collection;
- Evaluate whether the proposed collection of information is necessary for the enforcement and compliance assistance functions of the agency that support the agency’s compliance mission, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *g.*, permitting electronic submission of responses.”

Comments on the ICR are due by November 13, 2020 and may be submitted [here](#).

The ICR is the latest development in the agency's [efforts](#) to establish an AAP certification process. In 2018, the agency issued Directive 2018-07, which announced its intention to develop an Affirmative Action Program Verification Initiative. As stated in the Directive, the agency views an annual AAP verification program as a way to both encourage compliance and also focus the agency's audit efforts on those contractors likely not in compliance (i.e., those who fail to certify they have prepared an AAP).

Two years after the issuance of the Directive, we still do not know much about the specifics of the program other than the agency is working to implement it. We will continue to monitor and report on developments.

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