

# OFCCP Proposes Accommodations and Promotions Focused Review Scheduling Letters

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As we [previously reported](#), when OFCCP released its latest Corporate Scheduling Announcement List (“CSAL”) in September 2020, it identified contractors selected for the agency’s new reviews focused on promotions and accommodations. Little was known about the reviews, although the agency provided some additional detail later that month when it launched [two websites](#) devoted to the new focused reviews.

However, the agency was not able to initiate such focused reviews as it had not proposed or received approval of scheduling letters for the reviews. The agency has now begun that process, submitting to the Office of Management and Budget (“OMB”) [proposed scheduling letters](#) for the two new reviews.

The proposed scheduling letters must still be approved by the OMB before OFCCP may use them to schedule the new focused reviews. Given the upcoming change in Administration, it is difficult to predict when, or even if, these letters will be approved, and what changes may be implemented in any final versions. However, contractors selected for these reviews should be familiar with and follow developments regarding these letters as they provide the first real sense of the burden associated with such audits.

Below we summarize some of the key components of the proposed letters. As discussed, the proposed letters seek information from contractors that go well beyond the stated focused purpose of the reviews and differ from the narrow scope of other focused review scheduling letters. From this it appears these new focused reviews may be more like traditional establishment reviews with some additional lines of inquiry. We will continue to monitor and report on this and other noteworthy OFCCP developments.

## **Proposed Accommodations Focused Review Scheduling Letter**

OFCCP's website on Accommodations Focused Reviews states that these reviews will look at review "contractor's policies and procedures related solely to religious and disability accommodations." However, the scheduling letter seeks a plethora of materials and information that go well beyond this narrow stated scope. Notable documents and information the proposed letter seeks to require contractors to submit, include:

- A copy of their Executive Order 11246, Section 503 and VEVRAA AAPs;
- Analyses of utilization of individuals with disabilities;
- Information on contractors' Executive Order 11246 affirmative action goals and progress toward goals;
- Applicant, hiring, promotion and termination data. In addition to promotions data, contractors must include "a definition of 'promotion' as used by [their] company and the basis on which [the promotions] were compiled (e.g. promotions to the job group, from and/or within the job group, etc.)."
- Compensation data; and
- Copies of reasonable accommodation policies and documentation of any accommodation requests received and their resolution.

### **Proposed Promotions Focused Review Scheduling Letter**

Similarly, the proposed Promotions Focused Review Scheduling Letter seeks information that goes beyond OFCCP's prior statements concerning the scope of these new reviews. On its website, OFCCP informed contractors these reviews would examine "contractor data, policies, and procedures related to promotions to ensure that federal contractors are meeting their equal employment opportunity obligations." However, like the proposed accommodations focused review scheduling letter, the proposed promotions focused review scheduling letter seeks to have contractors submit data and documents that go well beyond the stated focus of the review, such as hiring and termination data, and detailed compensation data.

Check back here for more information on the proposed scheduling letters and new accommodations and promotions focused reviews.

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