

OFCCP Acting Director Addresses OFCCP Priorities and Initiatives

Government Contractor Compliance & Regulatory Update on August 2, 2023

Speaking at the [annual NILG conference](#), on August 2, 2023, OFCCP Acting Director Michele Hodge addressed hundreds of attendees in a wide ranging speech, discussing the agency's priorities and initiatives. Among other highlights of her address:

- Acting Director Hodge made clear that OFCCP does not view the recent [Supreme Court decision](#) on affirmative action in higher education as having any impact on the agency, stating there is a “bright line between” that ruling and OFCCP’s work. In that vein, Acting Director Hodge pledged that OFCCP will continue to use “every tool at our disposal” to ensure employees of federal government contractors are provided with equal employment opportunities.
- In perhaps the most noteworthy item of her address, Acting Director Hodge announced that in the “coming days” OFCCP will issue its final rule on [procedures for addressing potential discrimination in audits](#), which will scale back many contractor-friendly provisions in the agency’s existing rule governing its processes. Acting Director Hodge promised guidance on the final rule would be published on the final rule’s effective date.
- Acting Director Hodge also discussed the agency’s enforcement efforts. Among other things, she stated the agency is “tightening up” audits by denying “unnecessary extensions,” while also strengthening its data analytics systems by investing in tools to “synthesize voluminous data.” She noted the agency has recently hired 100 new employees, with a focus on new compliance officers.
- She addressed artificial intelligence, noting the agency is aware of developments in this space, and emphasizing that employers are responsible for ensuring their AI systems do not result in a disparate impact on protected groups.
- Acting Director Hodge provided details about the [contractor certification portal](#), stating that in the latest certification cycle, which ended on June 29, 2023, over 9,000 companies certified affirmative action program compliance. This reflected an 8.3% increase from the prior year. In addition, there was a 24% increase in total number of certified establishments in the 2023 certification cycle as compared to the prior year.

Proskauer is attending the NILG conference in Phoenix this week. Yesterday, Proskauer partner Guy Brenner [addressed the conference](#), along with co-panelists Beth Ronnenburg, President of Berkshire Associates and Dr. Rick Holt, Partner at Resolution Economics, on OFCCP audit trends.

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Related Professionals

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