

# **AFFIRMATIVE ACTION UPDATE**

## **\*\* NEWS FLASH \*\***

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Douglas B. Brown, LLC

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### **NEW OFCCP SCHEDULING LETTERS BEING RELEASED?**

Two independent sources have reported that the OFCCP is sending out new scheduling letters that were not preceded by the release of a Corporate Scheduling Announcement Letter (CSAL). Previously, the OFCCP sent CSAL letters to contractors notifying them of the locations where the Agency planned to conduct compliance reviews. The CSALs gave contractors a heads-up on pending reviews enabling them to begin preparation for the receipt of the scheduling letter. In the past, CSALs had been sent out twice a year. More recently, CSALs went out only once a year. The last round of CSALs were sent out on November 10, 2014. Compliance review activity for 2015 and 2016 was based on this last mailing.

While none of our clients have received a new scheduling letter, other sources are reporting that some contractors are receiving OFCCP scheduling letters for establishments not listed in the last CSALs. These scheduling letters are being sent directly to the establishment the OFCCP plans to review. The receipt of the scheduling letter triggers the thirty (30) day time period in which the targeted contractor must collect the data requested, conduct their own analysis of the data, and submit the data to the OFCCP.

A scheduling letter will typically be addressed to the General Manager or the HR Manager. The letter is sent by “Certified Mail, Return Receipt Requested.” The date the “Return Receipt Requested” card is signed triggers the start of the 30-day clock, not the date that the letter actually gets to someone who knows what the letter means and what is required. For example, if the letter arrives at an establishment on March 1, 2017, addressed to the establishment’s General Manager who does not open it until March 10<sup>th</sup>, and he/she does not give it the HR Manager until March 17<sup>th</sup>, who does not notify corporate HR until March 20<sup>th</sup>, the Company only has ten (10) days in which to respond (by March 31<sup>st</sup>).

As such, we strongly recommend that all AAP locations be notified to stay alert for a possible letter from the OFCCP. The OFCCP may call the facility prior to the receipt of the letter to confirm the name of the General/HR Manager as well as the correct mailing address. Any calls from someone identifying themselves from the U.S. Department of Labor should be immediately reported to corporate HR and to our office if you work with our firm. The receipt of any letter from the OFCCP should likewise be reported immediately.

Please contact us if there are any questions regarding the above.

If there are any questions or comments concerning anything contained above, they can be directed to this office by calling us at 440-564-7987 or sending an email to [dbb@dbbrown.com](mailto:dbb@dbbrown.com). The discussion of this matter is for the clients and friends of Douglas B. Brown, LLC and does not represent nor is intended as a substitute for professional legal advice.