

New Rules Coming for Federal Construction Contractors and Subcontractors

Submitted on Behalf of Hendrick, Phillips, Salzman & Flatt

The Office of Federal Contractor Compliance Programs (OFCCP) has announced its intention to revise the federal regulations implementing the affirmative action requirements of Executive Order 11246 that are applicable to Federal and federally assisted construction contractors. A Notice of Proposed Rulemaking is anticipated to be published in early 2012.

The OFCCP's announcement of its intent to issue a Notice of Proposed Rulemaking notes that the regulations implementing the construction contractor affirmative action obligations were last revised in 1980. The OFCCP states that these revisions are necessary in light of recent data which shows that disparities in the representation of women and racial minorities continues to exist in on-site construction occupations in the construction industry. The Notice of Proposed Rulemaking is anticipated to remove outdated regulatory provisions, propose a new method for establishing affirmative action goals, and propose other revisions to the affirmative action requirements that reflect what OFCCP asserts are the realities of the labor market and employment practices in the construction industry today.

It is expected that the proposed new rules will require Federal and federally assisted construction contractors and subcontractors to prepare affirmative action plans and keep detailed records, particularly in the area of recruitment and job training. Keep an eye out for updates regarding these proposed regulations for those contractors that perform work on Federal or federally assisted construction projects.