MARCH 19, 2020

OFCCP GRANTS LIMITED EXEMPTION AND WAIVER OF AFFIRMATIVE ACTION OBLIGATIONS UNDER COVID-19 RELATED FEDERAL CONTRACTS

Citing special circumstances in the national interest, the Office for Federal Contract Compliance Programs ("OFCCP") has granted a temporary exemption and waiver of federal affirmative action obligations under certain federal contracts. The exemption and waiver applies only to federal contracts entered into between March 17, 2020 and June 17, 2020 for the specific purpose of providing Coronavirus relief. Federal contractors that hold covered contracts unrelated to Coronavirus relief must continue to comply with all of their affirmative action obligations.

The details:

- Although the time period may be extended, the exemption and waiver currently applies to service and supply and construction contracts entered into between March 17, 2020 and June 17, 2020 for the specific purpose of providing Coronavirus relief.
- Federal contracting officers have been provided language to include in those contracts subject to the exemption and waiver.
- Exempted obligations include those related to preparing and maintaining Affirmative Action Plans and posting requirements, job listing requirements and solicitation/advertising requirements.
- Not all obligations are exempted, though. For example, contractors must continue to comply with OFCCP's rules against discrimination and retaliation, and OFCCP will continue to accept and investigate complaints of discrimination and/or retaliation and seek remedies if violations are uncovered.

These and other details are explained in OFCCP's National Interest Memorandum and accompanying FAQ page, both of which were posted on March 17, 2020.

We will continue to monitor and provide you information as it becomes available. In the meantime, if you have any questions or require any assistance, please don't hesitate to contact Jon Bumgarner at (317) 977-1474 or jbumgarner@hallrender.com or your regular Hall Render attorney.

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