

Employer Report Cards Coming for Business

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Recently, Charles James, Director of the Office of Federal Contract Compliance Programs ("OFCCP") and other high-level agency officials discussed some of the OFCCP's upcoming programs and plans. These included issuing employer "report cards," engaging in more in depth inter-agency information sharing and an announcement that James will remain with the OFCCP through the current administration's term.

Whether you know it or not, you are being graded. The OFCCP is scrutinizing your company's affirmative action compliance programs. Do you feel comfortable? Will you proudly post your OFCCP report card on the break room refrigerator, or sheepishly approach your "elders" with failing grades? Before you panic, there is good news. You have time to study before final exams.

OFCCP Director Charles James announced a new agency initiative that will be implemented in the next 18 to 24 months. The OFCCP will use information from sources such as EEO-1 reports and individual compliance reviews to make determinations on company compliance with affirmative action programs. Employers with poor

records will be targeted for extensive review from the agency.

The "corporate report card" initiative is intended to deter discrimination and non-compliance by focusing agency efforts on "problem" employers. James predicts that the new corporate profile system will have an impact "when report cards get to the senior executive suite." The question becomes how an employer raises their grade, or more succinctly separates themselves from the undefined "problem" children. A good start is to check with your labor and employment counsel to make sure your EEO-1 reports and other affirmative action materials are in proper order.

James also announced that the agency will determine whether an employer is a federal contractor or subcontractor by reviewing information that other government agencies have on that employer. Previously OFCCP used the self-identification information provided by employers on their EEO-1 reports, but James felt there were too many "clerical errors." James said that the inter-agency information might also be used in determining an employer's "grade" on its compliance "report card."

Ending much speculation, James

announced that he would stay on as director through the end of the Bush administration. James hopes to "affect a culture change" by building the technology and infrastructure that will help the agency distinguish between contractors that are compliant and those that are not, so that it can focus its resources on the latter.

Finally Patsy Blackshear, OFCCP's Director of Program Operations and Acting Mid-Atlantic Regional Director, discussed a number of issues, including the agency's receipt of EO Survey evaluations performed by its consultants. Based on those evaluations OFCCP will make a final determination regarding the usefulness of the EO Survey as a selection device for compliance reviews. The proposed guidelines on the Definition of an Internet Applicant have also been finalized and are awaiting final review and conclusion by the Office of Management and Budget, and the final guidelines on compensation analysis are awaiting decision by the agency. Blackshear did not provide deadlines for any of these initiatives.

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Past participants report that the breadth of data surveyed and ease of submission have been very positive. For more information about the survey, contact Bob Gaskill at the Tennessee Chamber or call Compdata Surveys at 1-800-300-9570.