

January 24, 2019

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS: OPINION LETTERS

GILL
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ATTORNEYS

On November 30, 2018, OFCCP published [Directive \(DIR\) 2019-03](#) to provide additional compliance assistance and guidance regarding OFCCP's laws and regulations in a manner that employees and employers can easily access and reasonably rely upon, as they seek to understand their rights and obligations under the law. One of outlining steps it will take to enhance the agency's existing "Help Desk" is to incorporate Opinion Letters to provide fact-specific guidance about OFCCP's jurisdictional coverage, regulations, and policies.

A Directive (DIR) is intended to provide guidance to OFCCP staff or federal contractors on enforcement and compliance policy or procedures. A DIR does not change the laws and regulations governing OFCCP's programs, does not affect policies, and does not establish any legally enforceable rights or obligations.

OFCCP WILL:

- provide a searchable source of questions and answers while the requestors remain anonymous.
- issue Opinion Letters that provide guidance on the application of OFCCP regulations to fact-specific situations.
- consider whether a contractor has acted consistently and in good faith with an Opinion Letter, Directive, FAQ, Help Desk answer, or other OFCCP guidance in determining whether to proceed with an enforcement recommendation in a given matter.

OFCCP WILL NOT:

- use Opinion Letters to provide legal advice or to resolve questions that are the subject of ongoing or expected litigation.
- provide Opinion Letters to a contractor during the pendency of a compliance evaluation of that contractor's establishment.

The OFCCP will be regularly monitoring the "Help Desk" inquiries for issues suitable to be turned into anonymous Opinion Letters upon consent of the submitter. However, in order to ensure these letters are truly responsive to stakeholder questions and concerns, they are inviting direct input from you or your legal counsel.

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To submit suggestions for issues that you would like to see addressed in specific Opinion Letters, please contact Jenny Teeter or Brianna Cook or go the following link: <https://www.dol.gov/whd/opinion/>