



Guidance for Contractors Who Missed the June 30 Deadline for Affirmative Action Plan Certification

Insights

8.02.22

The deadline for federal contractors to certify their affirmative action compliance in OFCCP's [new Contractor Portal](#) passed on June 30, 2022, and the agency chose not to extend that date. However, OFCCP issued guidance for federal contractors that did not register and certify Affirmative Action Plan (AAP) compliance by the deadline. What should you do if you missed the deadline? Here are three plans of attack depending on which category you fall into.

3 Possible Categories Means 3 Possible Paths

Depending on which category your establishment falls into, there are three possible paths for you to take.

1. *You Have Not Certified AAP Compliance, but Requested Assistance from OFCCP on or Before June 30, 2022*

If you requested assistance from the Contractor Portal Technical Help Desk on or before June 30 but have not completed registration or certification due to your pending request for assistance, the Contractor Portal Technical Help Desk should continue to address your request as an open help desk ticket.

Contractors that asked for assistance prior to the June 30 deadline will be considered to have timely certified if the delay in certifying was caused by not receiving an earlier response from the Help Desk. This information was confirmed by statements by the OFCCP's top leadership at the recent National Industry Liaison Group (NILG) Conference in Boston.

For technical issues with the Contractor Portal, you should submit an inquiry to the [OFCCP Contractor Portal Technical Help Desk](#) or call 1-800-397-6251 with any questions.

2. *You Have Not Registered and Certified Compliance with AAP Requirements*

Contractors that have not registered or certified they are in compliance with AAP requirements should register and certify on the [Contractor Portal](#) as soon as possible.

Contractors that have not certified compliance by [September 1, 2022](#) will be included on a list provided to federal agency contracting officers. Failure to comply with AAP requirements may

provided to federal agency contracting officers. Failure to comply with AAP requirements may result in contract-related consequences, such as the government's deciding not to award future contracts and withholding contract progress payments, as well as other potential remedies.

OFCCP still encourages uncertified contractors to meet the certification requirement, at least by September 1, even though the official certification deadline has not been formally extended from June 30.

3. *Your Establishment Has Fewer Than 50 Employees*

If your establishment has fewer than 50 employees and maintains an AAP only for those employees, your establishment must be included in the Contractor Portal. If your establishment has fewer than 50 employees and does not maintain an AAP only for those employees, you do not need to list your establishment in the Contractor Portal.

A discussion about the OFCCP's treatment of smaller locations (fewer than 50 employees) appeared in late-issued Frequently Asked Questions provided by OFCCP on the contractor portal website.

Conclusion

OFCCP offers a user guide and frequently asked questions to assist contractors with registering for the Contractor Portal and certifying compliance. We will monitor these developments and provide updates where warranted, so make sure you are subscribed to Fisher Phillips' Insight system get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our Affirmative Action and Federal Contract Compliance Practice Group.

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