



Are You Ready for OFCCP's 2024 Certification Deadline? Here's What Federal Contractors Need to Know for Affirmative Action Plan Compliance

Insights

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Federal contractors and subcontractors will soon have to certify that their affirmative action plans are compliant with federal requirements. The Office of Federal Contract Compliance Programs (OFCCP) announced today that it will open the certification portal for the third annual cycle on April 1 — and supply and service contractors and subcontractors will have until July 1 to submit their required certification. What do you need to know about your compliance obligations for 2024?

What is Required?

Here's a brief background:

- In 2022, OFCCP announced its first-ever certification deadline, which required federal contractors and subcontractors to certify that they have a compliant affirmative action plan for each of their physical locations, which are called establishments.
- Starting in 2023, supply and service contractors and subcontractors had to provide the start date of the affirmative action plan they are certifying.
- Now in 2024, existing federal contractors and subcontractors must use the OFCCP's [Contractor Portal](#) to complete their certification by July 1.
- Meeting the deadline is important, as existing contractors that do not certify by July 1 are more likely to be scheduled for an audit by the agency.
- In fact, the scheduling methodology OFCCP released for previous audit cycles expressly included those contractors that did not complete their certification process.
- Notably, the OFCCP considers the following companies to not be certified: (1) those that did not certify compliance via the contractor portal AND (2) those certifying that they have not developed or maintained an affirmative action plan.
- As always, new contractors have 120 days (from the date they become eligible federal contractors subject to the affirmative action regulations) to develop and implement their affirmative action programs. According to OFCCP, new contractors will need to certify through the contractor portal within 90 days of developing their AAPs — and the contractor portal will remain open to accommodate those new contractors.

How Can You Prepare?

Federal supply and service contractors should review your affirmative action programs and ensure you have a solid plan to certify compliance before July 1. We will monitor these developments and provide updates when warranted, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you need assistance preparing your affirmative action plan or if you are audited by the OFCCP, contact your Fisher Phillips attorney, the author of this Insight, or any attorney on our [Affirmative Action and Federal Contract Compliance Practice Group](#).

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