



Active Case Enforcement (ACE)

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Overview

- **Background**
- **Introduction**
- **ACM Versus ACE**
- **Basic Principles**
- **Key Terms**
- **Commonly Asked Questions**
- **Questions and Answers**

Background

Active Case Management (ACM)

- **Implemented in 2003**
- **Concentrated resources to identify and remedy systemic discrimination**
- **Quality Control Measures**
 - **Full Desk Audits (1 in 25)**
 - **Full Compliance Reviews (1 in 50)**
- **Rescinded on December 2, 2010 by Directive 292**

Introducing ACE

- **Effective January 1, 2011, OFCCP launched it's newest enforcement protocol, Active Case Enforcement (ACE)**
- **Directive 295 signed on December 16, 2010**



ACM versus ACE

ACM

- Only utilized the compliance review methodology
- Full desk audits were only conducted where there were indicators or every 25th case
- Focused on identifying systemic discrimination where there were 10 or more affected class members

ACE

- Compliance evaluations consist of any one or combination of the following: compliance review, offsite review of records, compliance check or focused review
- Full desk audits are conducted in all compliance evaluations
- Focuses on individual and class cases, and removes the affected class member threshold

ACE Basic Principles

- Full desk audits for all compliance evaluations
- Full compliance reviews for every 25th establishment
- Indicators of potential discrimination may be of an individual and/or class in nature



Poll Question #1

ACE procedures require a full desk audit for every 25th establishment.

- a) True
- b) False



Poll Answer #1

ACE procedures require a full desk audit for every 25th establishment.

a) True

b) False



Key Terms



Compliance Evaluation

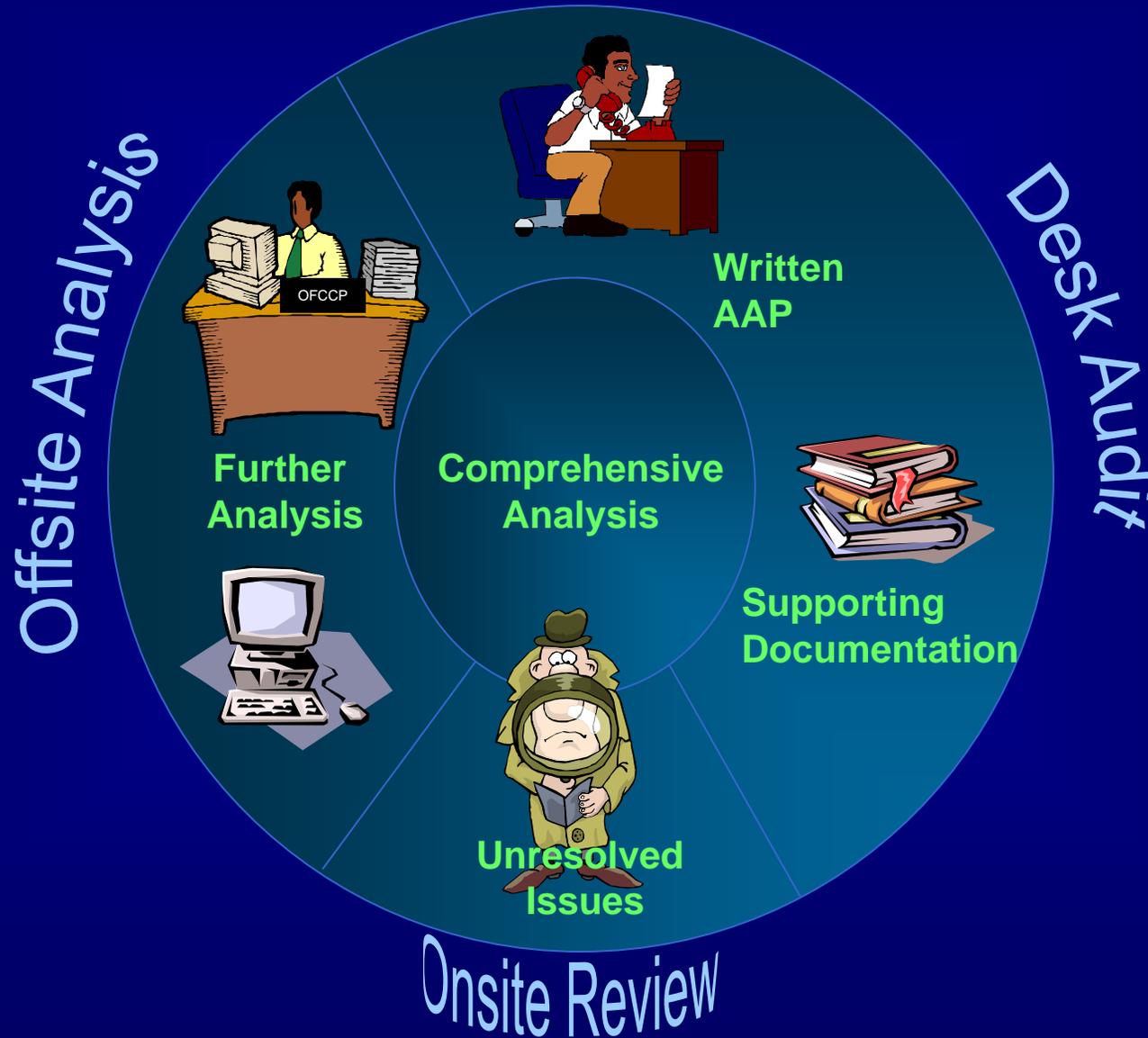
✓ **Compliance Review**

✓ **Compliance Check**

✓ **Offsite Review of
Records**

✓ **Focused Review**

Compliance Review



Offsite Review of Records



Written AAP
(or any part
thereof)



Supporting
Documentation

Offsite Review

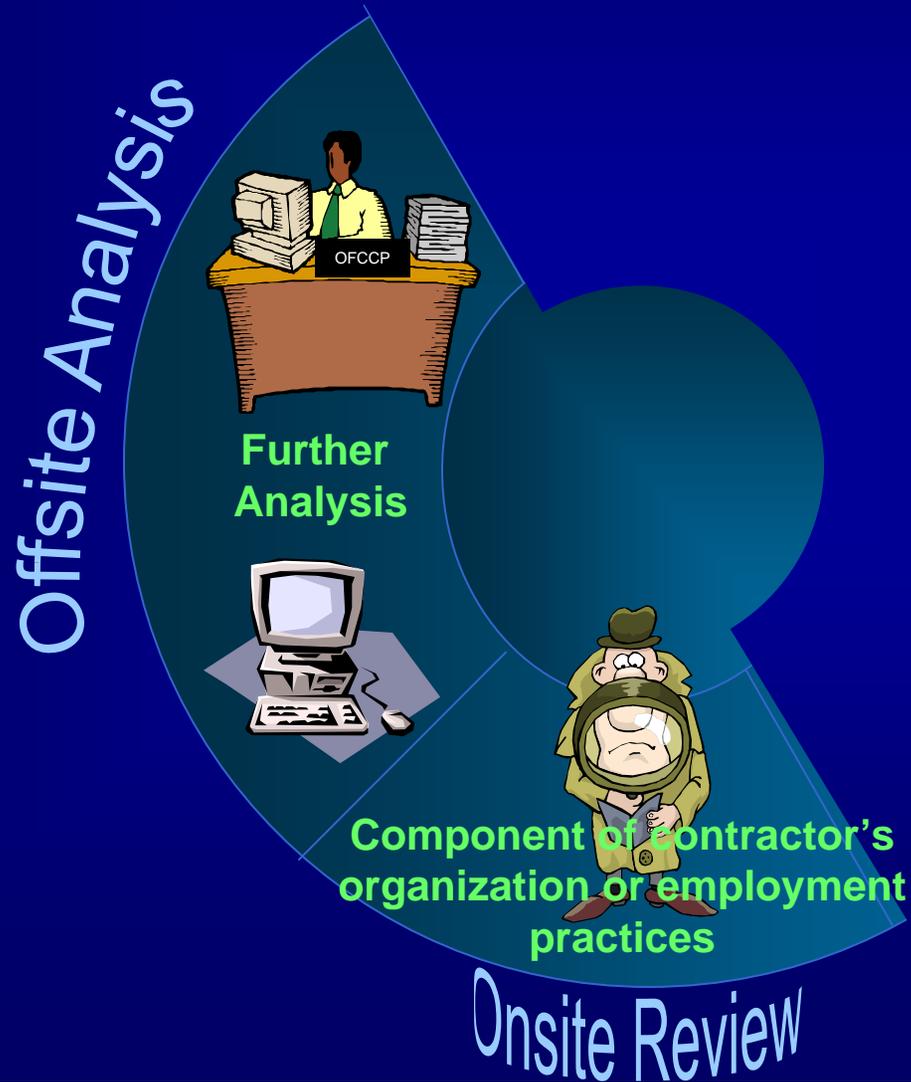
Compliance Check

Examples of Records:

- **AAP**
- **Job Advertisements**
- **Requests for Reasonable Accommodations**
- **Applications**
- **Resumes**
- **Test Results**
- **Interview Notes**
- **Adverse Impact Analyses**
- **Selection Decisions for Training, Assignment, Transfer etc.**



Focused Review



Full Desk Audits

- **Required in all compliance evaluations**
- **A comprehensive analysis of the contractor's EO 11246, Section 503 and VEVRAA AAPs**

Quality Control Measure

- **Every 25th establishment on the FCSS list**
- **Requires a full compliance review**



Indicator

May be:

- **An individual and/or class (i.e., two or more victims) nature**
- **Statistical and anecdotal evidence of discrimination**
- **Additionally, (non-exhaustive list)**
 - **history of individual discrimination,**
 - **history of systemic discrimination,**
 - **history of major technical violations such as recordkeeping deficiencies or failure to maintain an AAP, and**
 - **noncompliance with other labor and employment laws that may relate to violations of OFCCP's laws.**

Poll Question #2

A compliance evaluation may consist of what investigative methods?

- a) Compliance check
- b) Focused Review
- c) Compliance Review
- d) Offsite Review of Records
- e) Any one or any combination of the above methods



Poll Answer #2

A compliance evaluation may consist of what investigative methods?

- a) Compliance check
- b) Focused Review
- c) Compliance Review
- d) Offsite Review of Records
- e) **Any one or any combination of the above methods**



Commonly Asked Questions

How Was I Scheduled?

- **The Federal Contractor Selection System (FCSS)**
 - Uses administratively neutral selection criteria
 - Designates the contractor establishments to schedule
 - Designates which investigative procedure to use following the desk audit
- **Field Offices are required to schedule in strict sequential order**

How Long is the ACE Exception Period?

- **24 months** from the date of closure of the compliance evaluation

Does ACE Affect Pre-award Compliance Evaluations?

- **No**
- **Request for EEO clearance still required for contracts of \$10M or more**

Is There an ACE Scheduling Letter?

- **No**
- **The standard Scheduling Letter and Itemized List will be sent to scheduled contractor establishments**
- **Federal Register – May 12th**
 - **Seek comments on proposed revisions to Scheduling Letter**

Can a Compliance Evaluation Consist of More Than One Type of Methodology?

- **Yes**
- **OFCCP may utilize any one or any combination of compliance evaluation methodologies during the course of a review**

Is the Onsite Review Limited in Scope?

- **No**
- **An onsite review is not limited to the nature or scope of the indicators that triggered the onsite review**

How Will I Know Which Methodology Will Be Used For My Scheduled Compliance Evaluation?

- **All Begin with Desk Audit**
- **No Indicators Identified**
 - Case may close (if designated as compliance review, offsite review of records or compliance check)
 - Case will proceed as designated investigative method identified by FCSS (if designated as a focused review or 25th establishment)
- **Indicators Identified**
 - The compliance evaluation will proceed as a compliance review, regardless of the designated investigative method identified by FCSS

Questions?

Compliance Assistance Resources

- Visit OFCCP's website
 - <http://www.dol.gov/ofccp/>
- Attend an OFCCP Seminar or Workshop
 - Calendar Online
- Call or Email for Individual Assistance
 - 1-866-4-USA-DOL
 - OFCCP-Public@dol.gov

Does Not
Trigger Evaluation