

U.S. Department of Labor

Employment Standards Administration
Office of Federal Contract
Compliance Programs
Washington, D.C. 20210



SEP 9 2005

MEMORANDUM TO ALL CONTRACTING AGENCIES OF THE FEDERAL
GOVERNMENT

FROM:

Charles E. James, Sr.
CHARLES E. JAMES, SR.
Deputy Assistant Secretary

SUBJECT:

Contracts for Hurricane Katrina Relief Efforts

In view of the special circumstances in the national interest presented by the destruction caused by Hurricane Katrina, I have decided to grant a limited exemption and waiver from some of the requirements of the laws administered by the Office of Federal Contract Compliance Programs (OFCCP). OFCCP enforces Executive Order 11246, as amended, Section 503 of the Rehabilitation Act, as amended, and Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act, as amended, which require that Federal contracting agencies include in all covered contracts an equal employment opportunity clause. OFCCP regulations authorize me to exempt or waive a Federal contracting agency from requiring the inclusion of any part of the equal opportunity clause in any specific contract when I deem that special circumstances in the national interest so require. 41 CFR 60-1.5(b)(1), 60-250.4(b)(1), and 60-741.4(b)(1).

The exemption and waivers granted herein relate to the requirement to develop written affirmative action programs under OFCCP regulations implementing the three laws enforced by OFCCP. Federal contracting agencies may utilize the following equal opportunity clauses in covered contracts entered into to provide Hurricane Katrina relief. However, Federal contractors will continue to be subject to the nondiscrimination requirements under those laws. Accordingly, the EEO clauses in FAR sections may be modified as follows:

At the end of 52.222-26:

Notwithstanding the provisions of this section, the contractor will not be obligated to develop the affirmative action program, prepare the reports, or provide the notices usually required under the regulations implementing Executive Order 11246, as amended.

At the end of 52.222.35:

Notwithstanding the provisions of this section, the contractor will not be obligated to develop the affirmative action program, prepare the reports, provide the notices, or list the job openings usually required under the regulations implementing Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act, as amended.

At the end of 52.222-36:

Notwithstanding the provisions of this section, the contractor will not be obligated to develop the affirmative action program, prepare the reports, or provide the notices usually required under the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended.

Notwithstanding the foregoing, the following FAR requirements will continue:

- Posting of the "Equal Opportunity is the Law" notice;
- Record keeping and record retention; and
- Employment listings with appropriate local employment service office.

I am granting this exemption and waiver for a period of three months, subject to an extension should special interests in the national interest so require. This exemption and waiver pertain only to the three programs administered by OFCCP and should not be interpreted as applicable to any other programs or statutes administered by the Department of Labor.

If you have any questions or seek additional clarification on a specific contract please contact my office.