

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS



U.S. DEPARTMENT OF LABOR

POSTINGS & NOTICE REQUIREMENTS

Executive Order 11246. This executive order prohibits workplace discrimination and requires affirmative action on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin. It also promotes pay transparency by, in certain circumstances, making it illegal to terminate, discipline, or otherwise discriminate against applicants and employees for inquiring about, discussing or disclosing compensation. The minimum dollar threshold for coverage under Executive Order 11246 is \$10,000.

Section 503 of the Rehabilitation Act of 1973. This law prohibits employment discrimination against qualified individuals with a disability and requires affirmative action. It does not apply to federally assisted construction contractors. The minimum dollar threshold for coverage under Section 503 is \$15,000.

Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA). This law prohibits employment discrimination against protected veterans and requires affirmative action. Like Section 503, it does not apply to federally assisted construction contractors. The minimum dollar threshold for coverage under VEVRAA is \$150,000.



Introduction

The Office of Federal Contract Compliance Programs (OFCCP) regularly receives compliance questions from companies doing business with the federal government. These companies provide the government with supplies and services, but they may also work on federal and federally assisted construction projects. They may be manufacturers, or be academic, financial, or other institutions. Federal contractors and subcontractors, regardless of the type of business or industry, must know how to comply with their equal employment opportunity (EEO) and affirmative action obligations.

The questions OFCCP receives vary in scope and topic. OFCCP is committed to providing quality and useful compliance assistance to federal contractors and subcontractors.

The laws OFCCP enforces, as well as the regulations that implement them, prohibit various forms of workplace discrimination. These laws and regulations also require that contractors and subcontractors take affirmative action to provide all workers and jobseekers with an equal opportunity to compete for jobs, and to retain and thrive in those jobs.

For the purposes of this Guide, OFCCP is focusing on many of the essential posting and notice requirements that a contractor must fulfill to comply with the law, regardless of the size of its workforce. In other words, a company with a federal contract or subcontract that meets minimum dollar thresholds for coverage by the laws OFCCP enforces must comply with the postings and notices described in this Guide.

This Guide does not provide information on affirmative action program (AAP) requirements or on developing a written AAP, including policy statements and other notices that are part of a written AAP. It also does not provide information for construction contractors on the affirmative action standards required of them under Executive Order 11246. For information about AAP requirements and construction affirmative action standards, please visit www.dol.gov/ofccp.

NOTE: Going forward, unless otherwise noted, references in this Guide to “contracts” also include “subcontracts” and “federally assisted construction contracts and subcontracts.” References to “contractors” include “subcontractors” and “federally assisted construction contractors and subcontractors.”

What “Postings and Notices” are Required?

OFCCP created this Guide to provide clarity on the equal employment opportunity postings and notices it requires. This helps contractors comply with their legal obligations. While the Guide does not cover every regulatory requirement or substitute for all of the obligations found in OFCCP’s regulations at 41 CFR Chapter 60, it collects these notice and posting requirements into one quick reference resource to make it easier for contractors to understand how to comply with the law. These notices and postings include the following.



OFCCP is committed to providing quality and useful compliance assistance to federal contractors and subcontractors.

- Notice to subcontractors of their nondiscrimination and affirmative action obligations, provided by incorporating equal opportunity clauses into subcontracts and purchase orders.
- Notice to jobseekers that the employer is an equal opportunity employer, provided by using taglines in job advertisements.
- Notice to OFCCP by the prime contractor that it awarded a construction subcontract in excess of \$10,000.
- Notice to the appropriate American Job Center or state workforce agency that an employer is a federal contractor, that it wants priority referral of veterans, and that it has job openings to list in the job bank.
- Notice to any unions with which the contractor has a collective bargaining agreement of the contractor’s equal opportunity obligations.
- Posting the “EEO is the Law” and other posters to inform applicants and employees of the contractor’s nondiscrimination and equal opportunity obligations.

What Notice Requirements Apply to Federal Subcontracts and Purchase Orders?

One requirement of being a federal contractor is to include the equal opportunity obligations in subcontracts and purchase orders. There are two ways for federal contractors to accomplish this: incorporate the contract language in full **or** incorporate it by reference.

Incorporate EO Clauses in Full

Incorporating the equal opportunity contract clauses (EO clauses) in full means contractors that meet the minimum dollar thresholds include all the language in their subcontracts and purchase orders found at the following regulatory citations, as applicable.

Construction

Executive Order 11246

- 41 CFR 60-1.4(a). Use this notice language in construction subcontracts and purchase orders that are not federally assisted.
- 41 CFR 60-1.4(b). Use this notice language in federally assisted construction subcontracts.
- 41 CFR 60-4.2(d). Use this language in all construction subcontracts, solicitations for offers and bids to give notice of applicable goals for minority and female participation.
- 41 CFR 60-4.3(a). Use this language in all construction subcontracts. It is used in combination with 41 CFR 60-4.2(d), and with either 41 CFR 60-1.4(a) or 41 CFR 60-1.4(b) depending on whether it is a federally assisted construction subcontract.

**OFCCP created
this Guide to
provide clarity
on the equal
employment
opportunity
postings and
notices it
requires.**



Section 503

- 41 CFR 60-741.5(a). Use this language for direct construction subcontracts and purchase orders. NOTE: Section 503 does not apply to federally assisted construction contracts.

VEVRAA

- 41 CFR 60-300.5(a). Use this language for direct construction subcontracts and purchase orders. NOTE: VEVRAA does not apply to federally assisted construction contracts.

Supply and Service

Executive Order 11246

- 41 CFR 60-1.4(a). Use this notice language for all supply and service subcontracts and purchase orders.

Section 503

- 41 CFR 60-741.5(a). Use this language for all supply and service subcontracts and purchase orders.

VEVRAA

- 41 CFR 60-300.5(a). Use this language for all supply and service subcontracts and purchase orders.

Incorporate EO Clauses by Reference

The second way a contractor may fulfill this notice requirement is to incorporate by only referring to the clauses set forth in OFCCP's regulations.

Construction

Executive Order 11246

- There is no prescribed language to incorporate the EO clauses at 41 CFR 60-1.4(a) or 41 CFR 60-1.4(b). It is appropriate to include the citation to the appropriate regulation.

Section 503

- The regulations for Section 503 require citation to the appropriate regulations at 41 CFR 60-741.5(a) described in the previous discussion on incorporating the EO clauses in full.
- The reference would also include the language at 41 CFR 60-741.5(d) in **bold typeface**.

VEVRAA

- The regulations for VEVRAA require citation to the appropriate regulations at 41 CFR 60-300.5(a) described in the previous discussion on incorporating the EO clauses in full.
- The reference would also include the language at 41 CFR 60-300.5(d) in **bold typeface**.

Supply and Service

The incorporation by reference notice requirements for supply and service contractors is the same as those discussed immediately above for construction contractors.

To help contractors achieve compliance, below is an example of how to incorporate the EO clauses by reference for a supply and service subcontract or purchase order that meets all of OFCCP's minimum dollar thresholds.

SUPPLY AND SERVICE INCORPORATION BY REFERENCE EXAMPLE

This contractor and subcontractor shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity, national origin, or for inquiring about, discussing, or disclosing information about compensation. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.

What EEO Language Must Be Included In Job Advertisements?

Federal contractors are required to provide notice in job advertisements that qualified applicants will receive consideration without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

The use of "taglines" in job ads is the way contractors provide the public that notice. These taglines are used in the same way for construction and supply and service contractors.





Executive Order 11246

- A contractor can use the phrase “an equal opportunity employer” or “EOE” as a substitute for listing all the protected bases.
- A contractor that lists only one or a few of the protected bases will be required to list all of them to be in compliance.

Section 503

- EEO related to a person’s status as an individual with a disability must be clearly referenced in the job advertisements. This is true even if the phrase “an equal opportunity employer” or “EOE” is used as a substitute for the protected bases under Executive Order 11246.
- Simply using “D” is not an adequate substitute for “disability” in a tagline.

VEVRAA

- EEO related to a person’s status as a protected veteran must be clearly referenced in the job advertisements even if the phrase “an equal opportunity employer” is used to substitute for the protected bases under Executive Order 11246.
- Simply using “V” is not adequate substitution for “veteran” or “vet” in a tagline to denote protected veterans status.

Examples of acceptable job advertisement taglines are below.

Examples of Acceptable EEO Taglines

Acceptable Tagline Options for Contractors Meeting the Minimum Threshold for Executive Order 11246

Tagline Option 1: An Equal Opportunity Employer

Tagline Option 2: All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

Acceptable Tagline Options for Contractors Meeting the Minimum Thresholds for Executive Order 11246 and Section 503

Tagline Option 1: An Equal Opportunity Employer, including disability

Tagline Option 2: EOE: race/color/religion/sex/sexual orientation/gender identity/national origin/disability

Acceptable Tagline Options for Contractors Meeting the Minimum Thresholds for Executive Order 11246, Section 503, and VEVRAA

Tagline Option 1: All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

Tagline Option 2: EOE, including disability/vets

Are Postings in the Workplace Required?

Construction and supply and service contractors must post three notices at their workplaces or sites.

- “EEO is the Law” Poster
- “EEO is the Law” Poster Supplement
- Pay Transparency Nondiscrimination Provision

These notices inform applicants and employees of their rights protected by OFCCP and contractors must post them in a place where applicants and employees can access them, including employees working offsite.

Federal contracting officers at the agency funding your contract should provide you with the necessary posters. If not, they are all available in different formats on the [OFCCP website](#).

“EEO is the Law” Poster

Every employer covered by EEO laws is required to place the “Equal Employment Opportunity is the Law” poster on its premises either electronically or physically. All applicants and employees must have a way to access the poster. Acceptable ways to post it would be on the contractor’s intranet, in an employee breakroom, and in an online application portal.

“EEO is the Law” Supplement

OFCCP produced a mandatory supplement to the “EEO is the Law” poster that contractors are required to use until the “EEO is the Law” poster is updated to be consistent with OFCCP’s protections. It, too, must be accessible to all applicants and employees.



**These notices
inform
applicants and
employees of
their rights
protected by
OFCCP.**

**OFCCP provides
all the required
EEO posters on
its website in
usable formats.**



Pay Transparency Nondiscrimination Provision

To notify applicants and employees of their rights, subject to certain limitations, to discuss, disclose, or inquire about compensation or compensation information, federal contractors are also required to post the Pay Transparency Nondiscrimination Provision and include it in employee handbooks and manuals.

Like the other two postings, contractors must place the Pay Transparency Nondiscrimination Provision somewhere that it is conspicuously available to all applicants and employees. Contractors can post this provision either physically on the premises or electronically.

OFCCP provides a formatted version for posting, which includes the OFCCP logo and contact information, as well as an unformatted version for inclusion in employee handbooks and manuals.

- [Download the formatted version](#)
- [Copy the unformatted version](#)

What is the Mandatory Job Listing Requirement Under VEVRAA?

When a contractor meets the minimum threshold for VEVRAA with a contract of \$150,000, it must list all of its employment openings with the state workforce agency job bank or the local American Job Center (known also as the employment service delivery system) where the openings occur. Listing these employment openings is one type of affirmative action the contractor takes to recruit and hire qualified veterans.

For the purposes of this requirement, “all employment openings” includes all positions except:

- Executive and senior management;
- Positions filled from within an organization where no consideration is given to persons outside the organization;
- Positions which the contractor proposes to fill from regularly established “recall” lists; and
- Positions lasting three days or less.

The contractor has some immediate actions to take as soon as it has a minimum threshold contract, **and** it has some ongoing actions it must take for as long as it continues to be a federal contractor subject to VEVRAA.

Immediate Actions

- Notify the local American Job Center or state workforce agency that it is a federal contractor.
- Notify the local American Job Center or state workforce agency that it desires priority referral of protected veterans for job openings.
- Provide the local American Job Center or state workforce agency the name and address of each hiring location within the state, as well as the contact information of the contractor official responsible for hiring at each location.
- Provide a list of all employment openings that exist at the time the contract is signed to the local American Job Center or state workforce agency, including employment openings not generated by the federal contract and openings at locations other than the establishment where the contract work will be performed.

The information about any job vacancy included in the initial listing, as well as all future listings, must be provided in a manner and format permitted by the local American Job Center or state workforce agency to enable the system to post jobs and to provide priority referral of veterans. For questions about the appropriate manner and format, please contact the local American Job Center or state workforce agency job bank.

Ongoing Actions

- Provide the local American Job Center or state workforce agency lists of all employment openings at least concurrently with the use of any other recruitment source or effort.
- Update the local American Job Center or state workforce agency with current information on the name and address of each hiring location within the state, as well as the contact information of the contractor official responsible for hiring at each location – if any of the previously provided information has changed. This can be completed when the contractor next lists a position.
- Maintain records of job listings, or require that any third party provider of the listing service maintain the records.





Are There Notices to Unions?

Both construction and supply and service contractors subject to OFCCP's equal opportunity clauses also have a duty to notify labor unions that they are bound by their federal contracts and committed to take affirmative action to employ and advance in employment, and not discriminate against applicants and employees protected by the covered bases of Executive Order 11246, Section 503, and VEVRAA. The below is a sample notice that would satisfy this OFCCP requirement.

SAMPLE NOTICE TO UNION

[Insert company] is bound contractually by the terms of Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans' Readjustment Assistance Act. Together, these laws require [insert company] to not discriminate and take affirmative action to treat applicants and employees without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, and status as a protected veteran. Executive Order 11246 also prohibits discharging or in any other manner discriminating against an applicant or employee for discussing, disclosing or inquiring about compensation or compensation information, with limited exceptions. Attached is the "EEO is the Law" Poster, the "EEO is the Law" Poster Supplement, and the Pay Transparency Nondiscrimination Provision which [insert contractor] uses to provide notice of these rights to applicants and employees.

Are There Construction Subcontract Notifications?

Contractors are required to give written notice to OFCCP within 10 working days of award of a construction subcontract in excess of \$10,000 (see 41 CFR 60-4.2).

In addition to the prime contract number and the contractor's name and contact information, the notification must include:

- The name, address and telephone number of the subcontractor;
- Subcontractor employer identification number;
- Dollar amount of the subcontract;
- Estimated starting and completion dates of the subcontract; and
- Geographical area in which the contract is to be performed.

Information on how to submit the notices is on the [OFCCP website](#).

NOTE: During an onsite review, OFCCP compliance officers may also check for the Office of Labor-Management Standards poster, Notice of Employee Rights Under Federal Labor Laws, under EO 13496. OFCCP neither produces this poster nor enforces violations of this posting requirement.

Where Can I Find More Resources?

Need to contact OFCCP? Please visit us at dol.gov/ofccp, or reach us by calling our toll-free help line at 1-800-397-6251 (TTY 1-877-889-5627).

You may also get in touch with your [regional or local representative](#).

Please note that this Guide provides general information. It is not intended to substitute for the actual law and regulations regarding the program described herein.



**Please visit us at
dol.gov/ofccp,
or reach us by
calling our toll-
free help line.**



Postings and Notices Guide: Checklists

The two lists below are intended as a companion to the Office of Federal Contract Compliance Programs' Postings and Notices Guide (the "Guide"). When used with the Guide, they provide federal contractors and subcontractors with a simple reference for tracking their required equal employment opportunity postings and notices. For ease of use, two checklists are provided - one for federal supply and service contractors and subcontractors and another for federal and federally assisted construction contractors and subcontractors.

Checklist 1

FEDERAL SUPPLY & SERVICE CONTRACTORS AND SUBCONTRACTORS

Equal Opportunity Notices

- Include Appropriate Equal Opportunity Clause(s) in Subcontracts and Purchase Orders in Full or by Reference
- Use Appropriate Equal Opportunity Employer Tagline in Job Advertisements
- Notify Unions that Company has Equal Opportunity Obligations and Request Their Cooperation, if Party to a Collective Bargaining Agreement

Posting Requirements

- Display "Equal Employment Opportunity is the Law" Poster and Supplement
- Display Pay Transparency Nondiscrimination Provision Poster
- Include Pay Transparency Nondiscrimination Provision in Employee Manuals and Handbooks

Mandatory Job Listings for Protected Veterans (if subject to VEVRAA)

- Notify State Workforce Agency Job Bank and/or Local American Job Center of Federal Contractor Status
- Request Priority Referral of Protected Veterans for Job Openings
- Provide and Keep Current the Name and Address of Each Hiring Location within State and Contact Information for Company Official Responsible for Hiring at Each Location
- Provide List of All Employment Openings to the State Workforce Agency Job Bank and/or Local American Job Center in the Manner and Format Permitted by the Job Bank or Center so the System Can Post Jobs and Provide Priority Referral of Veterans for Priority Referral of Veterans

Construction Subcontract Notifications

- Notify OFCCP Within 10 Days if Awarding a Construction Subcontract in Excess of \$10,000

Checklist 2

FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION CONTRACTORS AND SUBCONTRACTORS

Construction Subcontract Notifications

- Notify OFCCP Within 10 Days if Awarding a Construction Subcontract in Excess of \$10,000

Equal Opportunity Notices

- Include Appropriate Equal Opportunity Clause(s) in Construction Subcontracts in Full or by Reference
- Include, in Full, the Notice of Applicable Construction Goals for Minority and Female Participation in Subcontracts and in Solicitations for Offers and Bids
- Include, in Full, the Standard Equal Employment Opportunity Construction Contract Specifications in Subcontracts
- Use Appropriate Equal Opportunity Employer Tagline in Job Advertisements
- Notify Unions that Company has Equal Opportunity Obligations and Request Cooperation, if Party to a Collective Bargaining Agreement

Posting Requirements

- Display “Equal Employment Opportunity is the Law” Poster and Supplement
- Display Pay Transparency Nondiscrimination Provision Poster
- Include Pay Transparency Nondiscrimination Provision in Employee Manuals and Handbooks

Mandatory Job Listings for Protected Veterans (if subject to VEVRAA)

- Notify State Workforce Agency Job Bank and/or Local American Job Center of Federal Contractor Status
- Request Priority Referral of Protected Veterans for Job Openings
- Provide and Keep Current the Name and Address of Each Hiring Location within State and Contact Information for Company Official Responsible for Hiring at Each Location
- Provide List of All Employment Openings to the State Workforce Agency Job Bank and/or Local American Job Center in the Manner and Format Permitted by the Job Bank or Center so the System Can Post Jobs and Provide Priority Referral of Veterans

DISCLAIMER: These checklists provide general information for compliance with parts of Executive Order 11246, Section 503 of the Rehabilitation Act or the Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA). They are not a substitute for reading the actual laws and implementing regulations. In addition, these lists do not include required elements of written affirmative action programs (AAPs) or associated AAP requirements, such as policy statements and other notices that are part of a written AAP. They also do not provide information for construction contractors on the affirmative action standards required of them under Executive Order 11246. For resources on AAP requirements and construction affirmative action standards, please visit www.dol.gov/ofccp.



Office of Federal Contract Compliance Programs
UNITED STATES DEPARTMENT OF LABOR

At the Office of Federal Contract Compliance Programs (OFCCP), we protect workers, promote diversity and enforce the law. OFCCP holds those who do business with the federal government—contractors and subcontractors—responsible for complying with the legal requirement to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discharging or otherwise discriminating against applicants or employees who inquire about, discuss or disclose their compensation or that of others, subject to certain limitations.

Need to contact OFCCP? Please visit us at www.dol.gov/ofccp, or reach us by calling our toll-free help line at 1-800-397-6251 (TTY 1-877-889-5627).



Office of Federal Contract Compliance Programs
UNITED STATES DEPARTMENT OF LABOR

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

200 Constitution Avenue, NW | Room C-3325 | Washington, D.C. 20210
phone 1-800-397-6251 | TTY 1-877-889-5627 | fax 202-693-1304

04/18



Office of Federal Contract Compliance Programs
UNITED STATES DEPARTMENT OF LABOR