

U.S. Department of Labor

Employment Standards Administration
Office of Federal Contract
Compliance Programs

230 South Dearborn Street, Rm. 1600
Chicago, Illinois 60604



13 DEC 1982

Reply to the Attention of:

MEMORANDUM FOR: ALL AREA OFFICE DIRECTORS
REGIONAL STAFF

FROM: LEONARD J. BIERMANN *Leonard J. Biermann*
Assistant Regional Administrator
OFCCP, Region V

SUBJECT: Referencing Enforceable Requirements for
Contractors in Enforcement Documents

This will advise that only those sections of our regulations which contain language that reference absolute requirements of contractors are to be cited in enforcement documents. More specifically, references cited must include words which indicate that the Contractor "Shall", "Must", or "Will". References using the words "should" or "may" are not enforceable and must not be cited as requirements in enforcement documents. This includes, for example, even a significant part of the heretofore frequently used 41 CFR 60-2.12 (60-2.12(a)(c)(d)(j) and (1)). With this requirement it is anticipated that E.O. 11246, as amended, cites will mainly be from 41 CFR 60-2.11 and 2.13. However the same word requirement also carries over to our regulations at 41 CFR 60-250 and 41 CFR 60-741.

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