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Comments Received :

OFCCP's revised proposed scheduling letter does not address any of the commenters' concerns. It embraces the commenters who support OFCCP's mission and ignores the impact on the contractor community. The comments from law firms and employer organizations speak for multiple business and voice significant concerns, yet OFCCP fails to give them weight consistent with the number of employers for whom they speak.

OFCCP's proposed scheduling letter operates from the premise that discrimination is occurring everywhere and they need more tools to find it. This sounds like an aging Bigfoot hunter who *just needs* the next new technology to find the mythical creature. It will lead to longer, more protracted reviews based on unfettered discretion of the Agency. This burden is untenable.

The current letter better balances the interests of OFCCP and employers. Where there are indicators to dive more deeply, the agency can--and does--do so. But it should not have unchecked access to all areas of an employer's HR practices simply because they were selected for audit. This will result in more employers avoiding federal contracts.

Discrimination is wrong, but so is the type of probing access without any indication of discrimination that OFCCP seeks with its proposed new letter. Please strongly consider the comments from law firms and employer organizations. They continue to apply to the new scheduling letter.

OFCCP believes it has addressed them. But OMB/OIRA is the agency tasked with evaluating the burdens and benefits of OFCCP's proposed request.