

Office of Federal Contract Compliance Programs (OFCCP)

OFCCP Directive**Transmittal Number: 271****DATE: April 21, 2006****OFCCP ORDER NO.: ADM Notice/Other**

1. **SUBJECT:** OFCCP Media Guidelines
2. **PURPOSE:** To clarify OFCCP policy regarding news releases and contacts with the media.
3. **FILING INSTRUCTIONS:**
Holders of ADM and LEG Binders only: File this Directive with the attachment behind the "Other" tab in your Administrative Practices Binder. Remove all other directives on media guidelines.

District and Area Office EOSs and EOAs only: File this Directive with the attachment behind the tab for ADM Directives in your FCCM Binder. Remove all other directives on media guidelines.
4. **OBsolete DATA:** This Directive supersedes all previous Directives and policy guidance pertaining to news releases and other media guidelines.
5. **DISTRIBUTION:** A, B (both hard copy **and** electronically); C (hard copy only)
5. **EXPIRATION DATE:** This directive remains in effect until superseded.

(Signed) Charles James

Charles E. James, Sr.
 Deputy Assistant Secretary for
 Federal Contract Compliance

April 21, 2006

Date

**EMPLOYMENT STANDARDS ADMINISTRATION
 U.S. DEPARTMENT OF LABOR
 OFFICE OF FEDERAL CONTRACT
 COMPLIANCE PROGRAMS
 WASHINGTON, D.C. 20210**

ADM Notice/Other

1. **SUBJECT:** OFCCP Media Guidelines
2. **PURPOSE:** The purpose of this Directive is to update guidance regarding the preparation, dissemination and issuance of news releases, and regarding contacts with the media.
3. **BACKGROUND:** The Office of Federal Contract Compliance Programs (OFCCP) issued formal media guidance in 1991, with a Directive entitled "OFCCP Media Guidelines." In 1998, additional supplemental guidance entitled "OFCCP Media Policy" was issued by the Deputy Assistant Secretary (DAS). In 1999, the Director of the Division of Program Operations (DPO) issued an advisory, "Standard Operating Procedures for Press Releases and Press Alerts." In addition, in June, 2004, the public affairs function within the Department of Labor (DOL) and the Office of Public Affairs (OPA) was reorganized to reflect the consolidation of all public affairs responsibilities within OPA, which coordinates and provides direct services to the agencies at the National and Regional Office levels. OPA reviews and clears all DOL media and public information material, including news releases, prior to distribution to the public. OPA also reviews and clears any scheduled appearance by OFCCP staff on network radio, television, national print or electronic media. OPA serves as the central contact point in the regions for media inquiries concerning DOL programs, policies and activities.
4. **POLICY:** The Office of Federal Contract Compliance Programs views media coverage as complementing the agency's enforcement strategy and compliance assistance efforts, while encouraging contractors to be proactive in their equal employment opportunity efforts. The media serve as an additional resource to communicate OFCCP policies, accomplishments, best practices, awards, and enforcement actions, such as the filing of administrative complaints, the signing of conciliation agreements, the entry of consent decrees, orders of debarment or other news releases that may be appropriate with the prerequisite approval of headquarters. The agency provides the following guidance for the issuance of news releases and for contacts with the media.
 - A. **News Releases Regarding Enforcement Actions**
National News Release Criteria

 As the releasing authority for all public information of the Department of Labor, the Office of Public Affairs--in coordination with OFCCP -- will make final decisions on issuing press releases.

 The Department will not negotiate with outside parties regarding the issuance or contents of the press release. National news releases on the following OFCCP enforcement actions are required subject to the criteria set out below.
 - **Conciliation agreements and other settlement agreements** that involve financial settlements of \$100,000 or more and 20 or more affected class members upon signature of the Regional Director (RD) or SOL representative.
 - **Administrative complaints** filed by the National or Regional Solicitor of a systemic case, regardless of the potential monetary liability or size of the class.
 - **Consent decrees and final administrative orders** resolving a systemic discrimination case, regardless of the monetary recovery or size of the class, upon signature of the Administrative Law Judge or Administrative Review Board.
 - **Debarment actions, other sanctions** or related actions when published in the Federal Register, with the approval of the DAS.

- **Other factors** that may warrant a national press release:
 - cases involving significant regulatory changes;
 - companies identified as "repeat violators" or involved in egregious conduct;
 - other cases identified by the Director of DPO or Regional Directors that may have national implications; or
 - novel issues as defined by FCCM in Chapter 8B.

Regional Media Release Criteria

Regional press releases on the following OFCCP enforcement actions are discretionary subject to the criteria set out below. The Department will not negotiate with outside parties regarding the issuance or contents of the press release.

- **Conciliation agreements and other settlement agreements** that involve financial settlements of less than \$100,000 and fewer than 20 affected class members which the RD, in consultation with Regional OPA, recommends, and the DAS determines, warrant a press release because the case is of regional media interest. Press releases should be issued upon signature of the Regional Director or SOL representative.
- **Consent decrees and final administrative orders** that do not meet the criteria for a national press release and the OFCCP Regional Director, in consultation with the Regional OPA, recommends, and the DAS determines, that the case is of regional media interest. The press release should be issued when the consent decree or final administrative order is signed by an Administrative Law Judge or the Administrative Review Board.

Procedures for Preparing National Media Releases

Media Releases for Conciliation Agreements

Conciliation agreements of \$100,000 or more for 20 or more affected class members must be submitted to the Director of DPO for national media consideration, in consultation with OPA, before the conciliation agreement is signed by OFCCP.

To ensure that press releases are issued in a timely fashion, the drafting of the press release should be concurrent with the conciliation efforts and the clearance process completed prior to signing the conciliation agreement.

The RD will be responsible for providing the Director of DPO with an electronic copy of the conciliation agreement after the contractor has signed the agreement. The RD is responsible for recommending a news release to the Director of DPO. The RD must submit in writing the criteria that mandate the preparation of a national news release. The Director of DPO will provide his/her recommendation for media coverage to the DAS, or designated staff. Upon DAS approval, the RD, in consultation with the Director of DPO, will prepare a draft news release. The attached template should be used as a guide. The draft news release and supporting information will be submitted to the DAS for approval. Once approved by the DAS, the draft release will be forwarded to SOL, with a copy to OPA, for expeditious review. OFCCP will immediately forward the cleared release to OPA once the draft has been cleared by SOL.

After OPA approves the news release, OPA's Program Management and Information Development Unit will post it on the website within 24 hours. All releases should also be available on the OFCCP shared drive. In addition, OPA will provide one electronic copy of the release to the DAS. The OPA will issue the release to the major dailies, networks, and wires, as appropriate.

Media Releases for Administrative Complaints, Consent Decrees, etc.

Regional Directors (RDs) are responsible for monitoring the enforcement status of cases that have been referred to the Regional or National Office of the Solicitor for enforcement. The RDs should use their weekly reports and monthly conference calls to highlight appropriate cases and to keep the Director of DPO apprised of cases that are anticipated to be within three weeks of resolution. Particular attention should be given to those enforcement cases that meet either national or regional press release criteria.

Within three days of a notice of any administrative complaint filing, consent decree filing, company signature on a settlement agreement other than conciliation agreement, or other enforcement-related action that meets national news release criteria, RDs must notify the Director of DPO.

When all pertinent documents are received from the RD, including a draft news release, The Director of DPO will review the documents and news release to assure technical accuracy. Within three business days of receiving accurate documents or the reconciliation of any inaccuracy, the Director of DPO will provide his/her recommendation for media coverage to the DAS, or designated staff. If a release is approved by the DAS, the RD, in consultation with the Director of DPO, will prepare a draft news release. The attached template should be used as a guide. The draft news release will be submitted to the DAS for approval. Once approved by the DAS, the draft release will be forwarded to SOL, with a copy to OPA, for expeditious review. OFCCP will immediately forward the cleared release to OPA once the draft has been cleared by SOL.

Procedures for Preparing Regional Media Releases

In cases appropriate for regional media release, Regional Directors are hereby delegated authority to prepare press releases. All news releases for less than \$100,000 must be reported by the RD in the weekly report in advance of issuance.

Media Releases for Conciliation Agreements

To ensure that press releases are issued in a timely fashion, the drafting of the press release should be concurrent with the conciliation process. The clearance process should be completed prior to the RD signing the conciliation agreement.

The RD is responsible for recommending a news release to the Director of DPO. The RD must submit in writing the criteria that mandate the preparation of a regional news release. The Director of DPO will provide his/her recommendation for media coverage to the DAS, or designated staff. If the DAS approves a regional release, the draft release will be prepared by the RD.

Using the attached template as a guide, the RD will draft and then forward the release, along with the proposed conciliation agreement, to the Regional OPA for review. Regional OPA will forward the release to National OPA, who will coordinate with National OFCCP to ensure technical accuracy of the release. OPA will clear the release with SOL.

Once the release receives final clearance, National OPA will inform Regional OPA, which will then issue the release to the appropriate media outlets and to coincide with the signing of the agreement.

Media Releases for Administrative Complaints, Consent Decrees, etc.

Within three days of a notice of any administrative complaint filing, consent decree filing, company signature on a settlement agreement other than a conciliation agreement, or other enforcement-related action that meets the regional news release criteria, RDs must recommend issuing a news release to the Director of DPO.

The RD must submit in writing the criteria that mandate the preparation of a regional news release. Within three business days of receiving all pertinent documents, the Director of DPO will provide his/her recommendation for media coverage to the DAS, or designated staff. If the DAS approves a regional release, the draft release will be prepared by the RD using the attached template as a guide. Following clearance by the RSOL, the RD will send the draft release to the Regional OPA within two business days, with a copy to the Director of DPO. Regional OPA will forward the release to National OPA, who will coordinate with National OFCCP to ensure technical accuracy of the release. OPA will clear the release with SOL.

Once the release receives final clearance National OPA will inform Regional OPA, which will then issue the release to the appropriate media outlets and to coincide with the signing of the filing or agreement.

Reporting by Regional Directors

The RDs should use their weekly reports and monthly conference calls to highlight appropriate cases and to keep the Director of DPO apprised of cases that are anticipated to be within three weeks of resolution.

Within five days of the conclusion of the conciliation process, the Regional Director must provide the Director of DPO a copy of the signed conciliation agreement, an electronic copy of the agreement, if available, a copy of the news release and a brief narrative that provides any information essential to the full understanding of the events impacting the final settlement yet not disclosed by the settlement document.

B. News Releases on Policy Matters

The Director of the Division of Policy, Planning and Program Development (DPPPD), in consultation with OPA, will recommend to the DAS whether any policy or regulatory change or other significant activity (such as a hearing) warrants special media attention. The Director of DPPPD, in consultation with the DAS, will draft the media release.

C. Media Contacts

OPA must be informed, through the DAS or designated staff, when a national or regional OFCCP representative has been invited to appear on network radio, television, national print or electronic media. All such interviews with OFCCP staff must be cleared by OPA prior to scheduling.

RDs are responsible for ensuring that OPA is notified via e mail or telephone contact, of all interviews or contacts with members of the media.

The dated report should identify the radio, television, print or electronic media, location, point of contact with telephone number, and deadline date, as well as the specific request. OPA will coordinate the request with the DAS and provide the appropriate response to the requesting media outlet.

OFCCP will inform OPA when the DAS and his/her designee are visiting the regions, including whether they desire media support or their activities are expected to generate media attention. All Agency contacts with the media in the regions will be coordinated by OPA.

Exception: On strictly routine inquiries regarding the function or jurisdiction of OFCCP or other purely factual information, RDs need only notify the Regional OPA.

5. **IMPLEMENTATION:** The guidelines and procedures set forth in this policy statement are effective immediately.

5. FILING INSTRUCTIONS:

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7. **OBsolete DATA:** This Directive supersedes all previous Directives and policy guidance pertaining to news releases and other media guidelines.

3. **DISTRIBUTION:** A, B, C

3. **EXPIRATION DATE:** This Order remains in effect until formally rescinded or superseded.

(Signed) Charles James

CHARLES E. JAMES, SR. DATE
Deputy Assistant Secretary for
Federal Contract Compliance

April 21, 2006

Date

Sample News Release Template

U. S. Department of Labor masthead

News Release*

ESA News Release: [Date]

Contact Name:

Phone Number: (202) 693-

_____ Corporation Agrees to Pay _____ to (Women or Minorities) for _____ Discrimination

Washington- The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) announced today that (**contractor's name**), headquartered in (**city/state**), has agreed to settle findings of (**type**) discrimination against (**number of affected class members**) (current and former (female/minority) employees or rejected (female/minority) applicants for the position of (**job title**)). The agreement settles the department's allegations that (**contractor's name**) engaged in (**type**) discrimination against (female/minority) (employees/applicants) for (**number**) years.

"This Administration is committed to ensuring that all Americans are hired, promoted, and compensated fairly, without respect to their race, gender, ethnicity, disability, religion, or veterans' status," said Secretary of Labor Elaine L. Chao. "This settlement of \$_____ on behalf of more than (**number**) (women/minorities) should put all federal contractors on notice that the Labor Department is serious about eliminating systemic discrimination."

Said OFCCP Deputy Assistant Secretary Charles E. James, Sr., "We strongly encourage other employers to take proactive steps to come into compliance with the law to prevent workplace discrimination."

In a (**compliance or corporate management compliance**) evaluation of (**contractor's name**) in (**city/state**), OFCCP investigators found that the company engaged in (**type**) discrimination against (women/minorities).

The (**contractor's name**) case is the (**anything newsworthy about the case, i.e., first class compensation case filed by the department in a quarter-century, fifth largest settlement ever under the Executive Order, etc.**).

Under the terms of the (**conciliation agreement/consent findings and order**) (**approved by Administrative Law Judge (name)**), (**contractor's name**) will pay (**number of affected class members**) (current and former female/minority employees/applicants) \$_____ in back pay and interest, and will provide (**number of**) (**job title**) positions to the class members.

The company has also agreed to undertake extensive self-monitoring measures to ensure that all (compensation/hiring/promotion) practices fully comply with the law for (**number**) years and immediately correct any discriminatory practice. In addition, (**contractor's name**) will ensure compliance with Executive Order 11246 recordkeeping requirements.

[If appropriate:] Deputy Assistant Secretary James added that (**contractor's name**), a provider of _____ to the (**government agency**), was (very) cooperative during the review and subsequent conciliation.

OFCCP, an agency of the U.S. Department of Labor's Employment Standards Administration, enforces Executive Order 11246 and other laws that prohibit employment discrimination by federal contractors. The agency monitors federal contractors to ensure that they provide equal employment opportunities without regard to race, gender, color, religion, national origin, disability or veterans' status.

■ The following information must be submitted along with the draft news release:

1. Name and location of facility where discrimination took place.
2. Name and location of parent company.
3. How is the facility cited related to the parent company?
4. What does the facility do?
5. What does the facility or company do for the Federal government?
6. What is the size or dollar amount of the contract?
7. Why did this evaluation/investigation start? When did it start and end?
8. Is this the first time this company was evaluated/investigated?
9. Were there any complaints/community concerns surrounding this case?
10. What were the violations? When did they occur?
11. How many victims are there?
12. In what city or town do the victims live?
13. What is/are the job title(s) involved?
14. What will the victims receive?
15. Other remedies, such as jobs? (Cash value?)
16. Are there any special newsworthy details? Special circumstances? Human interest? Egregious?