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March 28, 2006

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VIA FACSIMILE & REGULAR MAIL
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James C. Pierce
Acting Director
Division of Policy, Planning and Program Development
U.S. Department of Labor
Employment Standards Administration
Office of Federal Contract Compliance Programs
200 Constitution Ave., NW, Room N3422
Washington, DC 20210

Re: NILG Comment Regarding OFCCP's Proposal to Eliminate the Requirement that Federal Contractors Annually Submit Equal Opportunity Surveys
OFCCP Reference Code: RIN # 1215-AB53

Dear Acting Director Pierce:

The National Industry Liaison Group (NILG) hereby offers its observations regarding the Office of Federal Contract Compliance Programs's (OFCCP) proposal to rescind the obligation that federal non-construction contractors and sub-contractors complete and submit Equal Opportunity (EO) Surveys.

NILG SUPPORTS THE OFCCP'S PROPOSAL TO ELIMINATE THE EO SURVEY REPORTING REQUIREMENT

NILG supports the OFCCP's recent notice of proposed rulemaking in which the Agency proposes to eliminate the EO Survey reporting requirement. Confirming the OFCCP's well stated observations in this notice, , the NILG agrees that the EO Survey imposes a substantial administrative burden on the contractor community while at the same time not providing the OFCCP with useful data to enable the Agency to more accurately focus its limited enforcement resources. The Abt Associates EO Survey analysis and report, commissioned by the OFCCP, makes clear that the EO Survey does not serve the purpose it was originally created to accomplish, *i.e.*, as an efficient and effective tool for the OFCCP to more accurately



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select for audits those contractors who are most likely to be out of compliance. Because it fails to achieve that goal, we agree that it should be eliminated. The NILG commends OFCCP for recommending the elimination of a tool that largely has not served its purpose. The time and resources devoted by contractors to completing EO Surveys can be better spent in developing programs to further equal employment opportunity.

However, the EO Survey may have accomplished one of its stated objectives by helping to increase contractor self-awareness and encourage self-evaluations. NILG believes, based upon anecdotal information gleaned from conversations with many contractors, that the obligation to compile data for, complete and submit EO Surveys often has provided a strong incentive to certain contractors, who might otherwise not devote the same efforts to compliance obligations, to improve their compliance posture.

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We would like to thank the OFCCP in advance for its consideration of our observations. If the OFCCP should wish to discuss NILG's Comment, please contact Mickey Silberman, NILG Board Counsel, to discuss at (631) 247-0404 or silbermm@jacksonlewis.com.

Respectfully submitted,

The National Industry Liaison Group (NILG)