



Monthly Strategies

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OFCCP Contractor Portal

The Office of Federal Contract Compliance Programs (OFCCP) announced on December 2, 2021 details surrounding the Affirmative Action Program Verification Interface (AAP-VI), now referred to as the Contractor Portal.

Covered federal contractors and subcontractors (“contractors”) must use this portal to certify, on an annual basis, whether they have developed and maintained an affirmative action program for each establishment and/or functional unit, as applicable. In addition, the Contractor Portal will provide a secure portal for scheduled contractors to submit to OFCCP their Affirmative Action Program(s) during compliance evaluations.

Here are some of the key dates to be aware of:

- **February 1, 2022** – Contractors may begin registering for access to the portal.
- **March 31, 2022** – Contractors will be able to utilize the certification feature in the portal to certify their AAP compliance.
- **June 30, 2022** – Existing contractors must certify whether they have developed and maintained an affirmative action program for each establishment and/or functional unit, as applicable.

How-To videos are noted to be coming soon, along with a User Guide and References.

The possible requirement of Federal Contractors to submit their AAPs to OFCCP on an annual basis has been rumored for many years, and we are one step closer to actually seeing that happen.

New Digital COVID-19 Vaccination Card

Individuals vaccinated in Delaware now have access to a QR code when downloading their COVID-19 vaccination record. The digital COVID-19 vaccination card now includes the QR code and is available through the DelVAX Public Portal, a site where those

who were vaccinated in Delaware can access all their immunization records including COVID-19. (Also, parents can access their children’s immunization records.) When an individual accesses their COVID-19 record they can download a PDF version of it, which resembles a vaccine card and includes the QR Code. The image can then be saved to a phone gallery or printed on paper. The technology allows anyone to show proof of vaccination with a digital or printed QR code instead of a paper card. QR codes contain the same information as paper records but in a format that offers greater security and efficiency. The QR code is digitally verified by the Division of Public Health (DPH). The DelVAX Public Portal is available at https://delvax.dhss.delaware.gov/delvax_public/Application/PublicPortal. For step-by-step instructions on how to access the public portal and download a secure QR code, visit

<https://www.youtube.com/watch?v=DLC9vAVO7s>.

Individuals who need assistance can call 1-800-282-8672 or email DelVAX@delaware.gov.

Changes to Quarantine and Isolation per CDC Guidelines

Given what we currently know about COVID-19 and the Omicron variant, CDC is shortening the recommended time for isolation for the public. Below is a recap of what CDC is now recommending.

Fully Vaccinated and Boosted Employee

Exposed to COVID-19: If an employee is exposed to COVID-19, they should get tested for COVID on day five (5). No quarantine is required, and the employee must wear a well-fitting mask at all times for ten (10) days.

Fully Vaccinated Employee within the last six (6) months with Pfizer/Moderma or within two (2) months for J&J Exposed to COVID-19:

If an employee is exposed to COVID-19 they should get tested for COVID on day five (5). No quarantine is required, and the employee must wear a well-fitting mask at all times for ten (10) days.

Fully Vaccinated Employee more than six (6) months with Pfizer/Moderma or more than two (2) months for J&J Exposed to COVID-19: If an employee is exposed to COVID-19 they should get tested for COVID on day five (5). Must isolate for five (5) days and the employee must wear a well-fitting mask at all times for ten (10) days.

Unvaccinated Employee Exposed to COVID-19: If an employee is exposed to COVID-19 they should get tested for COVID on day five (5). Must isolate for five (5) days and the employee must wear a well-fitting mask at all times for ten (10) days.

Employee Tests Positive for COVID-19: An employee who tests positive for COVID-19 should stay home and isolate for five (5) days. If the employee has no symptoms or their symptoms are resolving after five (5) days, they can leave home and return to work and wear a well-fitting mask at all times for the following five (5) days. Employees should continue to isolate until their fever resolves.

Time to Update Your AAP's

Many Affirmative Action Plans (AAPs) expired on December 31, 2021. Under federal law, government contractors and subcontractors with 50 or more employees who have entered into at least one contract of \$50,000 or more with the federal government must prepare and maintain a written affirmative action program, which must be developed within 120 days from the commencement of the contract and **must be updated annually**.

AAPs should be submitted to DOL during the first quarter of 2022.

Delaware Harassment Prevention Law Training Requirements

The Delaware law that specifically addresses prohibition against sexual harassment under the Delaware Discrimination in Employment Act (DDEA), requires interactive harassment prevention training requirements for employers, with 50 or more employees in the state, every two years.

The law mandates all new employees must be trained within one year of hire and all employees every two years.

Mandatory Sexual Harassment Training

Required: The training for staff must include all of the following elements:

1. The illegality of sexual harassment;
2. The definition of sexual harassment using examples;
3. The legal remedies and complaint process available to the employee;
4. Directions on how to contact the Department of Labor; and
5. The legal prohibition against retaliation.

In addition, the interactive training for the supervisors must further include all of the following:

1. The specific responsibilities of a supervisor regarding the prevention and correction of sexual harassment; and
2. The legal prohibition against retaliation.

Drug and Alcohol Awareness and Reasonable Suspicion Testing Training Requirements

The New Castle County ordinance specifically addresses the requirements for General Contractors and Subcontractors to maintain a mandatory alcohol and drug testing program to include Initial Drug Testing, Random Drug Testing, Reasonable Suspicion Testing, Owner-Initiated Testing, Accident-Triggered Testing, Return-to-Duty Testing and Additional Testing Protocol. The ordinance mandates procedures for alcohol and drug testing documentation; consequences of a positive test result; contractor and subcontractor certification of compliance; penalties; confidential records; and training requirements for employees and reasonable suspicion training for supervisors.

HR Strategies is available to present all of the above interactive training programs to ensure compliance.

Contact HR Strategies staff at 302.376.8595 or info@hrstrategies.org if you would like support or would like to learn more about the items in this newsletter. Please contact us if you would like to be removed from our Monthly Strategies mailing list or if you would like for us to add someone to our mailing list.