

OFCCP Director Jenny Yang Reported to Be Leaving Agency

Government Contractor Compliance & Regulatory Update on **March 29, 2023**

According to [reports](#), OFCCP [Director Jenny R. Yang](#) is expected to leave her position this week. Director Yang became OFCCP Director on January 20, 2021. At this time, it is not known who will replace her.

During her term, Director Yang has overseen several OFCCP developments, including:

- [Directive 2022-01](#), which addresses contractors' obligations to produce information related to their compensation analyses during OFCCP audits. In the face of criticism that the Directive required production of materials protected by attorney-client privilege, the directive was subsequently [revised](#) in August 2022.
- [Proposing](#) amendments to the agency's Procedures To Resolve Potential Employment Discrimination, removing several contractor-friendly provisions from the procedures.
- [Directive 2022-02](#), titled "Effective Compliance Evaluations and Enforcement," the stated intent of which is to "provide transparency on OFCCP's compliance evaluation policies and expectations for contractors." In enacting this directive, OFCCP reversed prior agency guidance and established that: (1) contractors are no longer guaranteed advance notice of audits; (2) contractors can no longer expect a 30-day extension for providing items requested in a scheduling letter; (3) contractors can expect more requests for additional data during audits; and (4) contractors can expect OFCCP's audits to include more requests for witness information and more witness interviews.
- [Launching](#) the Contractor Portal for federal contractors and subcontractors to annually certify compliance with the requirement to develop and maintain "an affirmative action program (AAP) for each establishment and/or functional unit."
- [Proposing](#) significant changes to the Compliance Review Scheduling Letter and Itemized Listing.
- [Rescinding](#) a Trump-era regulation that expanded the exemption on religious entities' compliance with the anti-discrimination provisions of Executive Order 11246.

We will continue to monitor and report on leadership changes within OFCCP.

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Related Professionals

- **Guy Brenner**
Partner
- **Olympia Karageorgiou**
Associate