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OFCCP Responds to COVID-19 by Issuing National Interest Exemption

To facilitate response efforts for COVID-19, the Office of Federal Contract Compliance Programs (OFCCP) issued a limited national interest exemption to **new** supply and service and construction contracts entered into between March 17, 2020, and June 17, 2020, for the sole purpose of providing COVID-19 relief.

The exemption does not apply to: (1) any contracts entered into prior to March 17, 2020, and (2) new contracts that are entered into for purposes other than specifically providing COVID-19 relief.

Federal contracting officers will determine whether a new contract specifically provides COVID-19 relief and whether it is appropriate to include the exemption in the new contract.

For those that qualify, the national interest exemption exempts qualifying contractors from many obligations, including the preparation and maintenance of affirmative action programs for supply and service contractors, as well as posting requirements, solicitation/advertisement requirements, and the mandatory job listing requirements under the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA). However, qualifying contractors must continue to abide by nondiscrimination and non-retaliation obligations:

- Contractors must not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or protected veteran status.
- Contractors are prohibited from discriminating against applicants or employees because they inquire about, discuss, or disclose their compensation or that of others, subject to certain limitations, and may not retaliate against applicants or employees for engaging in protected activities.

The national interest exemption does not apply to the OFCCP's processing of discrimination complaints or open compliance evaluations. The OFCCP will continue compliance reviews, focused

reviews, and complaint investigations. While the OFCCP is not holding physical onsite reviews at this time, it is using other alternative resources, such as WebEx, Skype, and phones, to conduct interviews and complete evaluations.

If you have any questions regarding the OFCCP's national interest exemption or affirmative action planning requirements, please contact [George Yund](#), [Jay Schoeny](#), [Jennifer Rulon](#), or any member of Frost Brown Todd's [Labor and Employment Practice Group](#).

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Response Team](#). Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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