

22.801 Definitions.

As used in this subpart-

Affirmative action program means a *contractor's* program that complies with Department of Labor regulations to ensure equal opportunity in employment to minorities and women.

Compliance evaluation means any one or combination of actions that the Office of Federal Contract Compliance Programs (OFCCP) may take to examine a Federal *contractor's* compliance with one or more of the requirements of *E.O. 11246*.

Contractor includes the terms "*prime contractor*" and "*subcontractor*."

Deputy Assistant Secretary means the *Deputy Assistant Secretary* for Federal Contract Compliance, U.S. Department of Labor, or a designee.

Equal Opportunity clause means the clause at [52.222-26](#), Equal Opportunity, as prescribed in [22.810\(e\)](#).

E.O. 11246 means Parts II and IV of Executive Order 11246, September 24, 1965 (30 FR12319), and any Executive order amending or superseding this order (see [22.802](#)). This term specifically includes the *Equal Opportunity clause* at [52.222-26](#), and the rules, regulations, and orders issued pursuant to *E.O. 11246* by the Secretary of Labor or a designee.

Gender identity has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.

Prime contractor means any person who holds, or has held, a Government contract subject to *E.O. 11246*.

Recruiting and training agency means any person who refers workers to any *contractor* or provides or supervises apprenticeship or training for employment by any *contractor*.

Sexual orientation has the meaning given by the Department of Labor's Office of Federal Contract Compliance Programs, and is found at www.dol.gov/ofccp/LGBT/LGBT_FAQs.html.

Site of construction means the general physical location of any building, highway, or other change or improvement to real property that is undergoing *construction*, rehabilitation, alteration, conversion, extension, demolition, or repair; and any temporary location or facility at which a *contractor* or other participating party meets a demand or performs a function relating to a Government contract or *subcontract*.

Subcontract means any agreement or arrangement between a *contractor* and any person (in which the parties do not stand in the relationship of an employer and an employee)-

(1) For the purchase, sale, or use of *personal property* or nonpersonal services that, in whole or in part, are necessary to the performance of any one or more contracts; or

(2) Under which any portion of the *contractor's* obligation under any one or more contracts is performed, undertaken, or assumed.

Subcontractor means any person who holds, or has held, a *subcontract* subject to *E.O. 11246*. The term "first-tier *subcontractor*" means a *subcontractor* holding a *subcontract* with a *prime contractor*.

United States means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.

Parent topic: Subpart 22.8 - Equal Employment Opportunity