

TRAINING AND EMPLOYMENT NOTICE	NO. 10-07
	DATE September 10, 2007

TO: ALL STATE WORKFORCE LIAISONS
ALL ONE-STOP CENTER SYSTEMS LEADS
ALL STATE AND LOCAL WORKFORCE BOARD CHAIRS AND
DIRECTORS
ALL STATE WORKFORCE ADMINISTRATORS
ALL STATE WORKFORCE AGENCIES
ALL ONE-STOP CENTER SYSTEM STAFF

FROM: GAY M. GILBERT /s/
Administrator
Office of Workforce Investment

SUBJECT: Publication of New Regulations by the Office of Federal Contract
Compliance Programs (OFCCP)

- 1. Purpose.** To inform states and local areas that OFCCP has published new regulations (41 CFR 60-300) to implement the amendments to the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) required by the Jobs for Veterans Act (JVA) enacted in 2002. These regulations are effective September 7, 2007.
- 2. Background.** The JVA amendments raised the threshold dollar amount of the Government contracts that are subject to the affirmative action provisions of VEVRAA, changed the categories of veterans protected by the law, and changed the manner in which the mandatory job listing requirement is to be implemented.
- 3. Applicability.** The original VEVRAA regulations (41 CFR 60-250) still apply to Federal contracts of \$25,000 or more entered into before December 1, 2003. The new regulations that become effective on September 7, 2007, apply to contracts, valued at \$100,000 or more, entered into or modified on or after December 1, 2003. A contractor that must comply with both sets of VEVRAA regulations may develop and maintain one affirmative action program that satisfies the requirements of both sets of regulations.
- 4. Threshold Dollar Amount.** JVA amended VEVRAA by raising the threshold of covered Federal contracts from \$25,000 to \$100,000 for contracts entered into or modified on or after December 1, 2003.

5. **Changed Categories of Veterans.** The Jobs for Veterans Act eliminated the category of Vietnam Era Veterans from coverage and added as a new category of covered veterans, those “veterans who, while serving on active duty in the armed forces participated in a United State military operation for which an Armed Force service medal was awarded pursuant to Executive Order 12985.” Additionally, the JVA expanded the coverage of veterans with disabilities and recently separated veterans. Veterans covered under the original VEVRAA regulations at 41 CFR 60-250 remained covered for purposes of Federal contracts entered into prior to December 1, 2003.
6. **Job Listing Requirements.** The OFCCP final rule states that contractors may fulfill their job listing requirement by posting job openings with the appropriate state workforce agency job bank. Contractors may also satisfy the job listing requirement by listing job openings with the local employment service delivery system where the opening occurs. Contractors may additionally use third parties, such as private or non-profit sector job banks, Internet gateway and portal sites, and recruiting services and directories, to assist them with the transmission of job listings to the appropriate employment delivery system. These listing requirements apply to contractors covered under either 41 CFR 60-250 or 41 CFR 60-300.
7. **Responsibilities of Appropriate Employment Service Delivery System.** Employment service delivery systems are required to give qualified veterans priority in referral to employment openings listed by contractors. Additionally, upon request, they are to provide OFCCP with information pertinent to whether the contractor complies with the mandatory job listing requirements.
8. **Definitions.** According to the Federal Register Notice, the appropriate state workforce agency job bank shall be the job bank in which the job opening occurs. Under JVA, the employment service delivery system means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act. In most states, these services are delivered through One-Stop Career Centers and the workforce investment system.
9. **Action Requested.** Addressees are requested to share this information with businesses, employers, and partners in their state, regional, and local areas as appropriate.

10. **Inquiries.** The Office of Federal Contract Compliance Programs uses a customer support and compliance assistance program to respond to contractor, community, and other stakeholder questions. Customers can visit the OFCCP Web site at www.dol.gov/esa/ofccp/index.htm; call the OFCCP toll-free help desk at 1 (800) 397-6251; or contact an OFCCP District or Area office in their local area to have their questions answered. A list of offices is available on the OFCCP Web site at www.dol.gov/esa/contacts/ofccp/ofnation2.htm.

Attachments:

- A. Federal Register Notice (Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Other Protected Veterans, and Armed Force Service Medal Veterans), August 8, 2007.
- B. Frequently Asked Questions regarding the new 41 CFR 60-300 regulations.