



OFCCP VEVRAA CHECKLIST

The Office of Federal Contract Compliance Programs (OFCCP) enforces affirmative action compliance required by federal contractors and subcontractors, including protected categories of veterans under the Vietnam Era Veterans' Readjustment Assistance Act, as amended ("VEVRAA"). The regulations implementing VEVRAA have been recently amended and require substantial changes to your VEVRAA plan. Covered federal contractors or subcontractors with 50 employees and a qualifying contract of \$100,000 or more are subject to the full VEVRAA requirements. Contractors must not only ensure that they do not discriminate, but they must also engage in mandatory tracking, analysis and recordkeeping requirements, including completing hiring benchmarks. The following checklist will assist you with ensuring your practices are compliant:

- Develop relationships with organizations that can post your jobs to ensure you are meeting the OFCCP's outreach requirements. The OFCCP has provided a list of outreach and recruitment activities to assist contractors. **[OFCCP expects you to provide documentation of your interactions with the outreach resources you use, and specifically states you must document your actions. Do not expect the agencies to retain your job postings. Structure your recordkeeping system to retain these records for three (3) years, and they may be retained electronically. You must annually assess the effectiveness of your outreach efforts and retain written results for three (3) years.]**
- Ensure your Veteran outreach is disseminated in the workplace. Draft a policy related to your company's recruitment and outreach for veterans and include it in your handbook or otherwise make it available for employees. Discuss the policy in employee orientation and management training programs. **[A company policy need not cover everything the company does, but it should serve as a roadmap for the basic procedures the company takes to ensure compliance.]**
- **[Be sure any postings clearly state that you are an equal opportunity employment employer of protected veterans. You must spell out "vets".]**
- Include photos of disabled veterans when employees are featured in company materials. **[Make sure that any company publications, the company website, and other items show your diverse company.]**
- Send written notification of your company policy related to affirmative action efforts to all subcontractors and request appropriate action on their part.
- As a best practice, review your electronic application system to ensure it is compatible with the assistive technology that individuals with a disability may be using. **[Coordinate this interoperability assessment with your IT team. If your applicant tracking system (ATS) is not compatible, determine the steps required to make it so.]**

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- Ensure that your ATS system includes an alternate route for an applicant to submit an application. **[OFCCP wants to ensure that an ATS system is not the only method that an applicant can use, if he or she has a disability. Include the name/title and a telephone number as an alternative if an applicant requires an accommodation.]**
- Update your contracts and subcontracts with the required E.O. Clause from the regulations in § 60-300.5 and ensure you are in compliance with its requirements. Contractors may incorporate the equal opportunity clause by reference, including the following bolded statement: **“This contractor and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.”**
- Ensure you post your equal opportunity policy statement appropriately. This policy is separate from a company’s E.O. Clause, and requirements can be found in §60.300.44. **[The notice must be accessible and understandable for disabled veterans (such as providing large print versions and posting at a lower range for visual accessibility to persons in wheelchairs).]**
- Update your invitation to voluntarily self-identify. The OFCCP has provided sample forms in Appendix B to the regulation.
 - **Pre-offer – The suggested pre-offer form lists the categories of protected veterans, with their definitions. An applicant need identify only the general category of protected veteran status at the pre-offer stage.**
 - **Post-offer – The post-offer form requires identification of all specific protected veteran categories that apply. The post-offer form also requests whether the employee requests an accommodation.**
- Collect mandatory data, conduct analyses annually, and maintain this information for three (3) years. **[Number of applicants who self-identified as protected veterans or are known as such; number of job openings and total jobs filled; the total number of applicants for all jobs; number of protected veteran applicants hired; and total number of hires.]**
- Establish hiring benchmarks annually. Benchmarks can be established (1) utilizing the national percentage posted on the OFCCP website; or, (2) creating a local benchmark utilizing the five factors listed in the statute at 60-300.45(b)(2). **[Do you meet the benchmark each year? If not, review and update your outreach efforts.]**
- Maintain your data metrics separately from the full affirmative action program as it may be inspected upon request by applicants or employees. **[Ensure that you have posted the location and hours that your affirmative action program under VEVRAA may be reviewed.]**

For assistance in working with the regulations, conducting a compensation self-audit, or utilizing the OFCCP Compensation Directive, contact your regular Fisher Phillips attorney or one of these attorneys: Cheryl Behymer at 803-255-0000, cbehlymer@fisherphillips.com or Tom Rebel at 404-231-1400, trebel@fisherphillips.com.

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