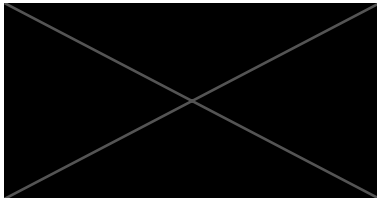




December 19, 2023

Via Electronic Email



Dear [REDACTED]:

We are in receipt of your complaint filed with the U.S. Department of Labor's Office of Inspector General (OIG), complaint no. C22170048937, alleging that the Office of Federal Contract Compliance Programs (OFCCP) is promulgating misinformation about the Vietnam Era Veterans' Readjustment Assistance Act, as amended 38 U.S.C. §4212 (VEVRAA). OFCCP received your complaint for a response.

The OFCCP administers and enforces three legal authorities: Executive Order 11246, as amended (Executive Order); Section 503 of the Rehabilitation Act of 1973, as amended (Section 503); and the VEVRAA. These legal authorities prohibit discrimination by Federal contractors and subcontractors based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, disability, or status as a protected veteran, and require contractors to take affirmative action to ensure equal opportunity in all aspects of employment. Additionally, the Executive Order prohibits Federal contractors and subcontractors from taking adverse employment actions against applicants and employees for asking about, discussing, or sharing information about pay or, in certain circumstances, the pay of others.

In accordance with 38 U.S.C. §4212, "[a]ny contract in the amount of \$150,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans." You may find the affirmative action provision in OFCCP's regulations at 41 C.F.R. §60-300.5 "Equal Opportunity Clause."

In accordance with OFCCP's implementing regulations at 41 C.F.R. §60-300.1(a), VEVRAA prohibits discrimination against protected veterans and requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified protected veterans. Protected veterans include disabled veterans, recently separated veterans, active-duty wartime or campaign badge veterans, and Armed Forces service medal veterans. These categories are included in the VEVRAA statute and defined further in OFCCP's

implementing regulations. The infographic you provided to the OIG is accurate in its description of who is a protected veteran under VEVRAA, as enforced by OFCCP.

OFCCP requires Federal contractors to undertake appropriate outreach and positive recruitment activities that are reasonably designed to effectively recruit protected veterans. You will not find a mandate in the VEVRAA regulations that requires Federal contractors to provide veterans' preference in employment.

The Veterans' Employment and Training Service (VETS) is a separate agency from OFCCP, and it enforces the Uniformed Services Employment and Reemployment Rights Act (USERRA). VETS assists those experiencing service-connected problems with their civilian employment and provides information about USERRA to employers. VETS also assists veterans who have questions regarding veterans' preference.

VETS developed the [Veterans' Preference Advisor](#) to allow veterans to examine the preferences for which they might be entitled regarding Federal jobs. As stated in the Advisor, "veterans who are disabled or who serve on active duty in the Armed Forces during certain specified time periods or in military campaigns are entitled to preference over non-veterans both in Federal practices and in retention during reductions in force (RIF)"

The Advisor further states, "[p]reference Eligibles who allege that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference may file a complaint with the Secretary of Labor, The Veterans' Employment and Training Service (VETS)."

I hope the information provided in this letter clarifies OFCCP enforcement responsibility for protected veterans and VETS' enforcement responsibility for USERRA and veterans' preference.

If you need more information about OFCCP or any issue related to nondiscrimination and affirmative action obligations of federal contractors and subcontractors, please visit [OFCCP's website](#).

Sincerely,

A handwritten signature in blue ink that reads "Michele Hodge". The signature is written in a cursive, flowing style.

Michele Hodge
Acting Director