

One Minute Memo[®]



OFCCP Issues Interim Guidance to Posting Requirement of Jobs For Veterans Act: Still No Final Rule

As the shutdown of America's Job Bank approaches in just a few days (June 30), OFCCP has not yet issued its final rule concerning job listing obligations for federal contractors. The Agency has, however, issued interim guidance. In an announcement published by the OFCCP just days ago, the Agency stated that it will not cite contractors during compliance evaluations for a violation of the OFCCP regulations solely for their failure to list employment openings as required by the Jobs for Veterans Act (JVA).

While the OFCCP offers this temporary relief in light of the discontinuation of the AJB, the Agency specifically states that it is not releasing contractors from their obligation to pursue good faith efforts to recruit qualified veterans for available positions. The Agency reminds contractors that the listing requirement is an essential element of a contractor's good faith efforts to take affirmative action for veterans. It further says that contractors should list employment opportunities for each of its facilities with the local office of the state employment security agency wherever possible while waiting for OFCCP final guidance.

We expect that until final guidance is published, the OFCCP will have an increased compliance evaluation focus on outreach to veterans. Thus, federal contractors should be prepared to demonstrate their good faith efforts as they relate to the JVA's obligation to recruit, hire and retain qualified veterans.

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