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July 11, 2011

Debra A. Carr  
Director, Division of Policy, Planning and Program Development  
Office of Federal Contract Compliance Programs  
Room C-3325  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: RIN 1250-AA00

Dear Ms. Carr:

This letter provides comments in response to Office of Federal Contract Compliance Programs' ("OFCCP") April 26, 2011 Notice of Proposed Rulemaking: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans ("NPRM"). The NPRM is intended to revise the current regulations interpreting the Vietnam Era Veterans' Readjustment Assistance Act of 1974 ("VEVRAA"), as amended, 38 U.S.C. § 4212 ("Veterans Regulations"), which applies to federal contractors and subcontractors (referred to collectively as "contractors," hereafter). Specifically, the NPRM is intended to revise the regulations at 41 CFR § 60-300, which apply to post-December 1, 2003 contracts of \$100,000 or more, and rescind the virtually obsolete regulations at 41 CFR § 60-250, which apply to pre-December 1, 2003 contracts of \$25,000 or more. Alternatively, OFCCP proposes changes to § 60-250 paralleling those for § 60-300.<sup>1</sup>

## INTRODUCTION

Seyfarth Shaw LLP ("Seyfarth") is a full-service international law firm serving a diverse group of clients globally. Seyfarth has an extensive practice in labor & employment counseling and litigation, including a very substantial practice in affirmative action and equal employment opportunity (EEO) compliance for federal contractors. In this capacity, we represent hundreds of employers in such matters of compliance with affirmative action and EEO obligations and requirements. We have discussed with a great many of our clients the impact of the proposed changes to the Veterans Regulations and received their feedback and input. The comments we provide herein reflect our own thoughts as experienced practitioners on the proposed changes as well our clients' thoughts and concerns.

<sup>1</sup> We focus our comments herein on the proposed changes to 41 CFR § 60-300.

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## COMMENTS ON PROPOSED CHANGES TO VETERANS REGULATIONS

At the outset, we applaud OFCCP's efforts to make more meaningful and effective the Veterans Regulations. We recognize that in their current form, the regulations are imprecise, making it difficult for contractors to pinpoint the exact nature of their obligations with regard to protected veterans. We believe that a fully collaborative effort between OFCCP, the federal contractor community and its representatives, and experts in the field can result in revised regulations that allow contractors to conduct meaningful outreach to veterans and veteran organizations, increase job opportunities for veterans, and allow for reporting of such activities in a reasonable and meaningful way. The revised regulations as currently proposed, however, cannot achieve such a result. The unduly burdensome and largely ineffective administrative, documentation, and recordkeeping requirements imposed by the revised regulations as proposed would prevent contractors from working toward achieving the very goal we all share of increasing job opportunities and job placement for veterans.

We provide specific comments below on each of the newly proposed requirements, but an overarching concern throughout all of the proposed changes is the enormous burden that the additional paperwork, recordkeeping, and documentation requirements will place on contractors without actually improving outreach to, and job opportunities for, veterans. In fact, it appears that the only beneficiaries of these increased burdens will be the OFCCP, as these new requirements will make it easier for OFCCP to audit contractors. This, however, is not an appropriate basis nor a legitimate justification on which to make such significant and sweeping changes that will place enormously burdensome requirements on contractors. In fact, such a basis is wholly inconsistent with both the Paperwork Reduction Act, 45 U.S.C. § 3501 *et seq.* (PRA) and Executive Order 13563 (Jan. 18, 2011) (EO 13563). Under the PRA, the proposed collection of information by a federal agency must be necessary for the proper performance of the functions of the agency and be of practical utility to the agency. 45 U.S.C. § 3508. EO 13563 requires that regulations "use the best, most innovative, and least burdensome tools for achieving regulatory ends ... [and] take into account benefits and costs, both quantitative and qualitative." As we discuss in further detail below, the revised regulations as proposed satisfy neither the mandates of the PRA nor EO 13563.

### Mandatory Outreach Efforts

The proposed regulations require contractors to outreach with various sources of potential veteran applicants and enter into "linkage agreements" with these sources. Specifically, under proposed Section 60-300.44(f)(1), contractors will be required to conduct outreach and sign linkage agreements with at least three sources from the following:

- (1) the local veterans employment representative at the local state employment delivery service nearest each of their establishments;
- (2) one of the following: the Department of Veterans Affairs Regional Office located near each of their establishments, the veterans representatives on college campuses located near each of their establishments, service officers of national veterans groups active in the area near each of their establishments, local veterans

groups and veterans service centers near each of their establishments, or the Department of Defense Transition Assistance Program office located on military bases near each of their establishments, and;

- (3) one veterans' service organization listed on the Employee Resources section of the National Resource Directory.

This new requirement will place a huge burden on both contractors and the veterans outreach organizations with whom they are required to partner. As it now stands, the veterans organizations that exist are overwhelmed and ill-equipped to handle current routine outreach efforts from contractors, as demonstrated by contractor complaints of frustration in being unable to reach any staffers or receive a return phone call from these organizations. Other contractors have stated that they have contacted the National Resource Directory a number of times and found the resources to be either not in existence/out of date or have not received any qualified referrals from those sources. Before contractors are required as a matter of law to interface with these organizations, it is imperative that these organizations are structured and prepared to effectively and efficiently handle the increased volume of calls that will inevitably flow from these heightened outreach requirements. Recognition of the need for such change has already begun in the federal government, as demonstrated by the Department of Defense's own Transition Assistance Program (TAP), with whom contractors will be required to interface, currently going through wholesale changes in Congress because of its present state of recognized ineffectiveness.

In addition, the revised regulations as proposed require outreach activity at the local level. This would require individual facilities and locations to conduct and document outreach with local organizations. But this is incompatible with the way employers now handle recruiting. Most companies, particularly large companies with multiple locations, handle recruiting centrally from their corporate location, especially with the advent of applicant tracking systems. This allows contractors to leverage the ups and downs in staffing needs for multiple sites and eliminates having to lay off recruiting staff in down turns. Switching course now and requiring employers to go back to localized recruiting in order to track all referrals would be a step backward and an inefficient drain on resources of contractors. The burden on employers to have to take outreach and record-keeping back down to a local, granular level would be huge, with no obvious benefit.

On a related note, we do not understand the purpose of requiring employers to create and enter into linkage agreements with each outreach organizations. This again seems like an unnecessary administrative paperwork burden with no real benefit. In fact, requiring this administrative busywork will take away time from employers actually interfacing with and meaningfully working with organizations to increase job opportunities for veterans.

The requirement of linking with three separate organizations is also inefficient for contractors and for veterans organizations. The requirement for multiple contacts will certainly aggravate the already overwhelmed organizations as they will be scrambling to deal with many more contractors than if each contractor were simply required to have a deep and productive relationship with a single veterans organization. As a linkage agreement is a committed relationship, it is certainly more beneficial to the parties to have a deep, fully understood exchange

of information and benefits between the contractor and its partner, rather than having to divide one's attention and coordinate efforts among three partners, many of whom are overwhelmed with other contractors' requests.

The proposed rules also require contractors to review their outreach and recruitment activities annually to evaluate their effectiveness in identifying and recruiting protected veterans. The contractor's final assessment as to the effectiveness of its outreach efforts must be "reasonable as determined by OFCCP in light of these regulations." While we agree that it is useful for contractors to routinely review outreach and recruitment efforts for consistency and effectiveness, OFCCP does not provide any definition or guidance as to what it considers "reasonable." Without such guidance, contractors will likely be subject to whatever definition the particular Compliance Officer assigned ascribes to "reasonableness." This will not promote consistency or further the goals of increased outreach and job opportunities for veterans.

Further, contractors will be required document all activities they undertake to comply with the mandatory outreach obligations. In doing so, contractors will need to upgrade their applicant tracking systems to be able to account for all referral sources. Once again, this is favoring form over substance given that it is the outreach itself, rather than documentation of it, that will further the goal of increased job opportunities for veterans. Moreover, there is a huge monetary and technological burden associated with having to change applicant tracking systems. OFCCP grossly underestimates the time it will take contractors to make these changes and then maintain the required tracking.

### **Suggested Outreach Efforts**

In Section 60-300.44(f)(2) of the proposed regulations, OFCCP appears to recommend additional recruitment efforts, as evidenced by the title "*Suggested outreach efforts*." For the most part, OFCCP uses the word "should" in describing these additional recommended steps, again making these recommendations appear optional rather than mandatory. But sub-paragraph (vi) of (f)(2) then says that "[t]he contractor, in making hiring decision, *shall* consider applicants who are known protected veterans for all available positions for which they may be qualified when the position(s) applied for is unavailable (emphasis added)." The use of the word "shall" appears to make this section mandatory, but this is inconsistent with the stated description of paragraph (f)(2) as "suggested" outreach efforts. This inconsistency requires clarification.

If this section is indeed mandatory, requiring employers to consider veteran applicants for every available position whether or not they applied for it would be very disruptive to the normal HR process and impose an unprecedented administrative burden on employers, in particular already over-burdened HR personnel. This would also be a huge departure from what employers are required to do with respect to applicants from other protected groups, and would, in essence, require employers to give veterans special treatment not afforded to other protected groups.

### **Invitations To Self-Identify**

In order to gather some of the proposed mandatory data, OFCCP is proposing to require a new two-step process for soliciting voluntary identification of veteran status. At the pre-offer stage, applicants would be invited to self-identify as a protected veteran, without identifying the specific veteran category to which they apply. At the post-offer stage, applicants would be invited to voluntarily self-identify and provide information about the specific veteran category or categories to which they apply.

This will pose a significant monetary and technical burden on employers as they will have to build processes into their applicant tracking system and hiring processes to account for such information. This will also create additional data storage concerns and is again, contrary to the PRA and its purpose of reducing the burden on the public and requiring information to be of practical utility.

VEVRAA defines four categories of covered veterans. Under the proposed regulations, these will include: recently separated veterans, Armed Forces service medal veterans, disabled veterans and "active duty wartime or campaign badge veterans." Many vets do not even know what category they fall into, even when presented with OFCCP's definitions of these categories. For example, there is no clarity around what a "campaign badge" is under proposed 60-300.2(b). There needs to be clarity around this before we can ask veterans to self-identify using these categories, or the data collected will simply be inaccurate and unusable, and of no practical utility whatsoever. OFCCP also needs to provide clarification as whether this requirement would apply only prospectively or if contractors would need to survey their entire existing workforces in order to attempt to obtain accurate information

Further, the self-identification process will remain a voluntary one. Thus, not all veterans will self-identify, and there will always be undercounting. Unlike with the race/gender identification process, there is no opportunity to supplement with a visual identification and employers will have to use data provided, no matter how incomplete or inaccurate.

### **Data Collection, Analysis and Recordkeeping**

In the NPRM, OFCCP proposes to require contractors to maintain, on an annual basis, certain quantitative measurements and comparisons related to veterans. These measurements and comparisons include:

- (1) referral data: the total number of referrals the contractor receives from local employment service delivery systems, the number of priority referrals of protected veterans it receives from these systems, and the "referral ratio" of protected veteran referrals to total referrals;
- (2) applicant data: the total number of applicants for employment, the number of applicants who are known protected veterans, and the "applicant ratio" of known protected veterans to total applicants;

- (3) hiring data: the total number of job openings, the number of jobs filled, the number of known protected veterans hired, and the “hiring ratio” of known protected veteran hires to total hires; and,
- (4) job fill data: the total number of job openings, the number of jobs that are filled and the “job fill” ratio of job openings to job openings filled.

### **Referral Data**

Like the proposed required outreach discussed above, the task of collecting the proposed referral data would surely fall on contractors’ local human resources professionals as they are the ones interacting with state employment services. With today’s economy, however, many contractors have pared down their local human resources departments to a bare minimum. These local human resources professionals already face immense challenges in maintaining accurate applicant flow under EO 11246. To add the task of tracking referrals under VEVRAA (along with mandatory outreach) to the “to do” list of those few local human resources staff remaining would stretch these scarce resources thin. In any event, the collection of referral data primarily appears to be a way for OFCCP to monitor the performance of the state employment services. In light of this purpose, it simply does not seem fair to require contractors to bear the burden of this collection task.

In addition, the regulations are unclear as to how contractors will accomplish this collection task: will they obtain information directly from the state employment delivery system or rely on job seekers to provide this information? If the latter, how will contractors know the referral source information provided is accurate? Contractors often report that candidates typically fail to take the time necessary to complete referral source inquiries, even when provided with a drop down menu, or they will simply select the first option, or if applying through the contractor’s website, they will choose the website as the referral source, even if they were originally referred by the state.

In the NPRM, OFCCP states that one purpose of the referral data is to give the contractor (and OFCCP) “a quantifiable measure of the availability of protected veterans in the workforce.” In this respect, OFCCP expects contractors to use this data to set its annual mandatory hiring benchmarks. The potential for referral data to be used as an “availability” estimate is alarming. Contractors have historically complained that candidates referred by state employment services are mostly low skill candidates and, therefore, unqualified for all but their most entry-level job opportunities. Thus, if this data is used to estimate availability, the hiring benchmarks set for jobs above entry-level will not be well correlated with the actual availability of qualified protected veterans in the local area and contractors’ attempts to make good faith efforts towards these benchmarks will be pointless.

### **Applicant Data**

The regulations as proposed do not provide a definition of the term “applicant.” It is unclear whether applicants would include internal and external candidates, and most importantly, whether applicant in this context is consistent with “internet applicant” as defined in EO 11246. If the term applicant is meant to be consistent with internet applicant, OFCCP must make this clear in the

regulations. If the term “applicant” in this context includes anyone who expressed an interest in a position, we have serious concerns about this as a step backward and an ill-advised attempt to undermine the “internet applicant” definition.

The proposed regulations also create confusion as to whether information gathered from the new two-step process of self-identification is to be used in gathering applicant data. Appendix B of the NPRM contains sample invitations to self-identify consistent with the new proposed two-step process, and these samples explain that the contractor solicits the information in order to measure its outreach and recruitment efforts under 41 CFR § 60-300. Does this imply that that contractors should use this self-identification data to populate applicant data? If this is the case, and the term applicant is equivalent to an internet applicant under EO 11246, then pre-offer self-identified veterans may not have basic qualifications and would be over-counted, while post-offer self-identified veterans would be undercounted.

### **Job Fill Data**

This is a new data category and we are unclear as to purpose of this requirement. Bearing in mind the PRA and EO 13563, we do not understand how this measurement translates into meaningful information. Aside from the summary statement in the NPRM that this along with other data requested “will aid the contractor in evaluating and tailoring its recruitment and outreach efforts and in establishing hiring benchmarks . . .,” OFCCP does not provide any specific reason why or how this data is necessary or useful. Further, OFCCP appears to believe that contractors have many open jobs that are never filled. This, however, does not reflect today’s realities. With high levels of unemployment, jobs are filled quickly, and most often the number of openings is the same as the number of hires, and therefore we do not see the value in maintaining the number of unfilled openings as a statistic.

### **Five Year Retention Requirement**

The proposed regulations would require contractors to maintain certain records for five years including all linkage agreements, documentation of outreach activities and annual evaluations of the effectiveness of outreach activities, all data collected on referrals, applicants, hires, job openings and jobs filled and the required related ratios, and documentation related to the setting of its hiring benchmark.

OFCCP states in the NPRM that it proposed a five year retention requirement for multiple reasons. First, because the proposed rule anticipates that the contractor will use the referral data in setting annual hiring benchmarks, they want to ensure that the contractor has sufficient historical data on the number of referrals it has received in years past to meaningfully inform the benchmarks it sets going forward. Second, because the proposed rule anticipates that the contractor will review its outreach efforts and adjust them to maximize recruitment of protected veterans, OFCCP seeks to ensure that the contractor has sufficient historical data to recognize meaningful trends in recruitment and, subsequently, to identify effective recruitment efforts that corresponded with time periods of increased recruitment of protected veterans. Finally, the NPRM states that if the contractor had

fewer years of referral data on hand, it is less likely that the data would provide meaningful assistance to the contractor in these respects.

We do not agree that a five year retention period is necessary or useful. First, OFCCP provides no explanation for how it arrived at five years as the optimum retention period for "sufficient" historical data. This is particularly significant given that the retention period for both EO 11246 and Section 503 is two years (one year if employer has less than 150 employees or government contract of less than \$150,000), and OFCCP has no less interest in ensuring that contractors have sufficient historical data to meaningfully inform benchmarks and maximize recruitment of women and minorities.

Without more specific, calculated reasons for OFCCP departing from the standard retention period for laws it enforces, we respectfully suggest that the retention period stay consistent with that of EO 11246 and Section 503, as different regulations with different recordkeeping requirements could lead to confusion and errors in recordkeeping. Also, a five year retention requirement will impose an even greater strain on employers' already stretched and overburdened data storage resources. Again, without any further justification from OFCCP, we do not see the practical utility in having a five year retention period, and believe it is contrary to the PRA and EO 13563.

### **Hiring Benchmarks**

One of the most significant changes in the proposed regulations is the requirement that contractors establish hiring benchmarks, which are to be expressed as the percentage of total hires who are protected veterans that the contractor seeks to hire in the following year. Recognizing that the Bureau of Labor Statistics (BLS) and Census Bureau (Census) do not tabulate data pertaining to the specific classifications of protected veterans under 41 CFR § 60-250, the proposed regulations state that contractors will be required to consult different information sources to set these benchmarks, including some of the new requirements in proposed regulations we have already addressed, such as referral ratio, applicant ratio, and hiring ratios as expressed in proposed Sec. 60-250.44(k).

The process will be analogous to the establishment of availability of minorities and females in affirmative action plans under Executive Order 11246, but given the inadequacy of the available data for veterans, as recognized by OFCCP itself in the NPRM, and the vagueness of the process as currently proposed, we do not believe the use of benchmarks by which OFCCP would measure contractors' compliance for veterans is tenable at this time.

First, the data that contractors will be required to consult is generalized data of the percentage of all veterans in the civilian labor force and the number of veterans who participated in the contractor's local state employment service. This data is overbroad in two ways: (1) it captures all veterans, and not just those falling within VEVRAA's protected categories, and (2) it captures all veterans, whether qualified or not, for the contractor's positions.

Second, in addition to the above datasets, contractors are told to also consider their referral, applicant and hiring ratios for the previous year, the contractor's most recent assessment of the

effectiveness of its outreach and recruitment efforts, and any other factors that would affect the availability of qualified protected veterans. Such qualitative factors can be subjective and difficult to measure and the OFCCP provides virtually no further guidance on how to make the leap from considering these various factors to actually setting a benchmark. Yet, contractors would ultimately be held to these benchmarks and their compliance and potential liability would be measured against them.

### **Other Tracking/Documentation And Communication/Training Requirements**

In addition to collecting referral, applicant, hiring, and job fill data and setting benchmarks, OFCCP proposes a number of other mandatory tracking and documentation requirements. Most significantly, contractors will be required to conduct an annual review of their personnel processes, and for each decision to reject a protected veteran for employment, promotion, or training opportunities, the contractor will need to prepare a "statement of the reasons explaining the circumstances" for rejecting the proposed veteran and a description of accommodations that were considered for those disabled. Likewise, the nature and type of accommodations for disabled veterans who were selected for hire, promotion, or training will need to be prepared. Similarly, contractors will be required to conduct an annual review of all physical and mental qualifications for their yearly job openings, including explanations of job-relatedness for each qualification.

The creation of such detailed documentation will be enormously time consuming and require even further upgrades to contractors' HRIS systems. Large contractors can have thousands of applicants each month and hundreds of job openings each year. In addition, OFCCP has not provided any guidance on how extensive the "rejection" and "accommodation" documentation must be to meet its expectations. Will disposition codes be sufficient for tracking rejection reasons or will contractors be required to provide a full recitation of the facts and circumstances considered and the documents supporting these statements explaining personnel decisions? Given that OFCCP also seeks to require contractors to make their "statement of reasons" available to an applicant or employee upon request, contractors will be compelled to develop very detailed statements of justification, even in the nature of legal defense briefs, so that its presumably lawful and fair decision making can be scrutinized. The opportunistic members of the plaintiffs' bar will have a field day with this requirement, should it become a final regulation, and it will not be to the benefit of the employees and applicants involved. Rather, it will foster an adversarial culture of defensiveness and polarity that will not serve the purpose of putting more disabled veterans to work. As a perfectly workable and simple alternative, the interactive process can easily be described to the OFCCP during audits so that the agency may ensure that accommodations have not been unlawfully denied. And this is how the law should be enforced, not by burdening employers with writing legal defense documents..

Further, the NPRM requires contractors to meet with employees (both annually and during orientation), *and* management (both annually and during management training programs), *and* personnel involved in personnel decisions, *and* union officials. Such a considerable amount of meetings and training sessions will occupy immense amounts of time and resources. OFCCP estimates an average of 3.2 hours total per contractor to fulfill the annual training requirements, which is a gross understatement of the effort required. While OFCCP appears to consider the time

to create the training in preparing its cost estimate, it fails to account for time to “train the trainers” and actually conduct the training. OFCCP also fails to recognize the cost of systems and technology staff resources needed to deploy and administer the training and the administrative staff needed to support the planning, scheduling, and tracking of the meetings

### **Other Proposed Changes**

#### **Reasonable Accommodation Process**

OFCCP is proposing to change the reasonable accommodation process for disabled veterans. If a contractor claims undue hardship, then the contractor must provide the disabled veteran with the opportunity to provide the accommodation himself, or pay the portion of the expense associated with the accommodation that constitutes an undue hardship. In addition, contractors will be required to seek the advice of disabled veterans who self-identify as such with respect to possible reasonable accommodations, even if the disabled veteran has not asked for an accommodation or evidenced a need for an accommodation with his job performance.

These proposed changes are wholly inconsistent with, and go above and beyond that required by, the Americans With Disabilities Act (“ADA”), as amended and the regulations supporting that Act as drafted by the U.S. Equal Employment Opportunity Commission (“EEOC”). After a very lengthy process, involving representatives of numerous interested constituencies, the EEOC recently issued modified regulations under the ADA earlier this year. These modified regulations do not provide for any similar modifications to the accommodation process. Given the recent vintage of these regulations, it is highly unlikely that they will be modified again any time in the near future. Also, this may create an inequity between employees if one can afford to provide his own accommodation and one cannot. Federal regulations concerning persons with disabilities, whether veterans or not, should be consistent.

#### **EO Clause**

The revised regulations as proposed would also require the Equal Opportunity (EO) Clause to be included verbatim in all subcontracts. The EO Clause is excessively long, and given the realities of contracting, this requirement would be extremely impractical and disruptive to the contracting process. For example, for some contractors, it could double the size of their standard terms and conditions. We appreciate OFCCP’s intention that subcontractors be fully aware and abide by their equal employment opportunity and affirmative action obligations. We believe this end would be better served by making contractors and subcontractors accountable for subcontractors reading their contractual obligations and become familiar with the regulatory language. In addition, the current use of an Incorporation by Reference clause in subcontracts is consistent with EO 11246 and EO 13496 requirements.

#### **HRIS System Changes**

The myriad changes and additional requirements imposed by the revised regulations as proposed would require employers to make significant changes to their human resources

information systems (HRIS) and their applicant tracking systems. Many of the proposed requirements contemplate systems that do not presently exist, such as requirements to track referrals, job opening/ job fill tracking, accommodation tracking and training documentation. Software providers will need time to build the tools and contractors will need time to buy and implement the tools and be trained on how to use them. With these wholesale changes and the sheer volume of contractors that will be affected, it is logical to conclude that many of these contractors will be looking to the same set of software providers for assistance. This in itself will result in a tremendous resource strain and not all contractors will be able to implement new systems simultaneously. OFCCP must take these realities into consideration as it evaluates the appropriate implementation date for the final regulations. Employers must be given a substantial grace period, which we propose to be at least one to two years, during which contractors and their systems providers may fund, design, build, implement, test and train users on these new systems functions.

### **Conclusion**

We applaud OFCCP's efforts to ensure that protected veterans are receiving excellent job opportunities. We also applaud the effort to update the Section 4212 regulations. OFCCP's current veterans regulations are vague, non-specific and difficult for contractors to discern what activities are mandated. New clear and specific outreach mandates are overdue. However, at this time, contractors have not had the opportunity to show they can comply with clear, specific requirements for outreach, which are generally welcomed in the contractor community. With the proposed regulations, however, OFCCP jumps to the conclusion that extensive enforcement measures must be put in place to ensure that contractors will follow the mandates to seek sources for veterans and that they will fairly hire and promote them. Jumping to this conclusion is unwarranted. It seems that in its thirst for enforcement and efforts to make its audits easier to execute, the OFCCP has entirely disregarded the good faith of the contractor community and its strong desire to make progress for veterans.

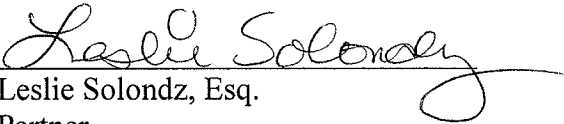
Moreover, the OFCCP has not moderated its extensive "wish-list" of required efforts, measurements and documentation to take into consideration the extreme burden on contractors that these efforts, measurements and documentation would require. The proffered estimates of contractor burden are grossly understated in terms of necessary time, effort and cost. When contractors and, in particular their human resources departments, should be focusing their efforts on seeking and hiring veterans, they would be bogged down with recording and documenting every action taken with regard to every veteran they consider. This is a misdirected focus of otherwise productive energy and resources that contractors would be better off deploying to enhance their sourcing, hiring, training and other programs for veterans. To this end we urge a significant reduction of the burden on contractors by the retraction of portions of the proposed requirements as discussed above.

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