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New Databases Offer First Step for Disability and Veteran Hiring Regulations

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has announced two new databases intended to help federal contractors and subcontractors meet new regulatory obligations with respect to hiring individuals with disabilities and veterans. The new regulations went into effect on March 24, 2014, and require federal contractors to establish certain utilization goals for veterans under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) and for individuals with disabilities under Section 503 of the Rehabilitation Act.

The OFCCP has released the "Disability and Veterans Community Resources Directory" to provide federal contractors with a resource for recruiting veterans and individuals with disabilities. The OFCCP describes the database as a "non-exhaustive directory" available to assist federal contractors with meeting their obligations under the new regulations.

Additionally, the OFCCP has released the "VEVRAA Benchmark Database," which will assist federal contractors in establishing hiring benchmarks for veterans based upon national and state-specific data. The new regulations require federal contractors to adopt the national benchmark provided by the OFCCP or through the establishment of their own hiring benchmark. Deviations from the national benchmark would have to be explained in the event of an audit.

It is clear that the OFCCP is serious about implementing and enforcing the new regulations, and covered employers will need to increase outreach efforts to ensure compliance. The OFCCP has provided these databases to connect covered employers with resources for recruiting veterans and individuals with disabilities. The OFCCP is also likely to take the position that because it has provided these resources, covered employers will have a more difficult time defending a failure to meet the regulatory benchmarks based upon a lack of qualified candidates.

Federal contractors should consult these databases and ensure that they are meeting their obligations under the new regulations.

If you have questions regarding the above-referenced regulations, or other labor or employment issues, please contact your Thompson Coburn attorney or a member of Thompson Coburn's Labor and Employment Group.

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