

Employment Advisory: U.S. Department of Labor's Office of Federal Contract Compliance Programs Unveils New Initiatives for Veterans and Individuals with Disabilities

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In July, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) launched two new initiatives designed to help veterans and individuals with disabilities:

- The Good Faith Initiative for Veterans Employment
- Ensuring the Accessibility of Online Application Systems

Good Faith Initiative for Veterans Employment

The first initiative, the Good Faith Initiative for Veterans Employment (coined, "G-FIVE"), promotes the hiring of veterans through the creation of various incentive programs for federal contractors and subcontractors (collectively, "contractors"), and reaffirms the employment rights of veterans under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA).¹ G-FIVE establishes a number of factors by which a federal contractor may earn recognition by the OFCCP as a G-FIVE contractor. These factors include:

- Evidence of covered veterans employed in the contractor's workforce
- Evidence of an increase in the number of covered veterans employed in the contractor's workforce
- Number of partnerships with local veterans' service organizations to employ or advance covered veterans
- Recruitment efforts aimed at educational institutions to reach students who are covered veterans
- Number of job advertisements posted in local community forums targeting veterans
- For prime contractors, evidence that demonstrates a commitment to encourage their subcontractors to increase employment opportunities for covered veterans
- Affirmative action steps taken to attract special disabled or disabled veterans through Veterans Administration job placement programs
- Number of on-the-job training opportunities provided to covered veterans

The OFCCP will determine a contractor's G-FIVE rating through a full compliance review. Contractors also have the option to nominate themselves for G-FIVE status recognition. To be eligible for recognition, contractors are not required to prepare any additional paperwork beyond what they are already required to maintain under current OFCCP regulations.

After a full compliance review, the Regional Director will recommend those G-FIVE contractors that have demonstrated outstanding achievements in the employment of covered veterans to the National Office. Contractors that qualify for a G-FIVE rating will be excluded from OFCCP compliance evaluations for three years following the date the recipient receives the rating. The three-year moratorium, however, will not apply if a complaint is filed or an investigation is conducted by the Equal Employment Opportunity Commission (EEOC) or a state agency concerning allegations of discriminatory practices towards veterans. In addition, contractors that qualify for a G-FIVE rating will be published on the OFCCP's website and receive a certificate of recognition.

Ensuring the Accessibility of Online Application Systems

The second initiative, called Ensuring the Accessibility of Online Application Systems, implements a new directive requiring all OFCCP compliance evaluations to include a review of a federal contractor's electronic or web-based application systems (to the extent that the contractor employs such systems) to ensure that the contractor is providing equal employment opportunities to qualified individuals with disabilities and disabled veterans. The directive mandates that such electronic or web-based systems be accessible to and usable by applicants who have disabilities. If the application systems are not accessible, the contractor is required to offer a reasonable accommodation that allows the covered individual an equal opportunity to compete for a job, unless such an accommodation would cause undue hardship.

Effective immediately, all OFCCP compliance evaluations will now include a review of the contractor's electronic or web-based application systems and whether reasonable accommodations are made when requested. If a complaint is filed involving a contractor's application systems, OFCCP will investigate the complaint rather than referring it to the EEOC.

Action Items for Federal Contractors and Subcontractors

Federal contractors and subcontractors should take steps to understand what they must do to be recognized as a G-FIVE contractor and qualify for the incentives established by the G-FIVE. In addition, it is critical for contractors to implement the requirements of the Ensuring the Accessibility of Online Application Systems directive in anticipation of any OFCCP compliance evaluations.

Moreover, these two initiatives serve as important reminders for federal contractors to frequently examine their employment practices and policies to ensure equal employment opportunities for both veterans and qualified individuals with disabilities.

Endnotes

¹ VEVRAA and its implementing regulations require covered federal contractors to take various affirmative action steps to increase employment opportunities for covered veterans and prohibit discrimination against such individuals.

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