



National Network

Information, Guidance and Training on the
Americans with Disabilities Act

Call us toll-free
1-800-949-4232 V/TTY

Find your regional center at
www.adata.org

New Rules: Vietnam Era Veterans' Readjustment Assistance Act

What is the Vietnam Era Veterans' Readjustment Assistance Act?

Originally passed in 1974, the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) aimed to provide assistance to returning Vietnam veterans and to protect them from employment discrimination. VEVRAA is one of two key federal laws prohibiting discrimination against returning veterans. The other law, the Uniformed Services Employment and Re-Employment Act (USERRA), was passed in 1994 and amended in 2005. Virtually all U.S. employers must comply with USERRA. Employers who are federal contractors or subcontractors must comply with VEVRAA. Though VEVRAA and USERRA are not limited to veterans' disability issues, these two laws do provide protections for veterans with disabilities.

What gave rise to the new rules?

Despite these legal protections, veterans with disabilities have continued to face barriers and discrimination in employment. The employment rate of veterans with disabilities is lower than that of veterans without disabilities. About one-third of veterans with disabilities are working, compared with more than three-fourths of veterans without disabilities (Erickson & Rudstam, 2013). Further, most veterans with disabilities believe they can work, but have significant fears of disability discrimination in the workplace (Rudstam, Wilson & Gower, 2011).

What is the aim of the VEVRAA rule changes?

The recent rule changes for VEVRAA aim to strengthen affirmative action requirements so that federal contractors and subcontractors improve their efforts to recruit and hire protected veterans. The VEVRAA Final Rules rescind VEVRAA 41 CFR Part 60-250. However, any veterans that are protected by part 60-250 alone will still be able to pursue complaints of discrimination.

Which employers have obligations under the new VEVRAA Final Rules?

Enforced by the Office of Federal Contract Compliance Programs (OFCCP), the new VEVRAA Final Rules impact all employers who have federal contracts or subcontracts of \$100,000 or more.

Which veterans have rights under the new VEVRAA Final Rules?

Despite its name, VEVRAA protections are not limited to Vietnam era veterans (generally defined as those veterans who served in Vietnam between February 28, 1961, and May 7, 1975). In addition, VEVRAA protects the employment rights of several categories of veterans, including:

- "Special disabled veterans": Those with a service-connected disability rating of at least 30%, those with a serious employment

disability or those who were discharged from active duty due to a service-connected disability.

- Recently separated veterans: Those who have been separated from service for three years or less.
- Other protected veterans: Those who served on active duty during a war, campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

When will the new rules be enforced?

The new rules will go into effect on March 24, 2014. To find out more go to <http://www.dol.gov/ofccp/regs/compliance/vevraa.htm>.

What are federal contractors required to do to comply with the VEVRAA New Rules?

- **Set a benchmark.** Measure success in recruiting and hiring veterans by adopting an affirmative action goal based on the national percentage of veterans currently in the workforce or based on their own interpretation of the best available data (found at Bureau of Labor Statistics and Veterans' Employment and Training Service/Employment and Training Administration).
- **Invite voluntary self-identification.** During both the pre-offer and post-offer stages of the job application process, employers will invite voluntary self-identification. Pre-offer self-identification will involve asking whether the applicant believes that s/he is a protected veteran under VEVRAA without asking about the particular category of protection. Post-offer self-identification will request information regarding the specific category of protected veteran status. The

OFCCP will provide sample self-identification forms for both pre- and post-offer on their website.

- **Comply with OFCCP reviews.** Provide on-site and off-site access to documents needed for compliance and focused reviews. Also, the OFCCP is permitted to extend the timeframe of the audit beyond what was set forth in the scheduling letter if this is deemed necessary to carry out the investigation.
- **Track the effectiveness of veteran recruiting and hiring efforts.** Measure and report the number of veterans who apply for jobs and compare this with the number hired.
- **Provide access to job listings.** Provide job listings in a format that can be used by veterans' employment service delivery systems (ESDS) (formerly referred to in the regulations as State Workforce System). Job listings sent to ESDS must identify the company as a federal contractor.
- **Communicate to subcontractors.** Use mandated language in federal contracts (including subcontracts) to make clear the contractors' obligations to employ and advance in employment protected veterans.
- **Outreach and Positive Recruitment.** Find and use resources to reach out to and recruit protected veterans. The new regulations maintain existing language to undertake "appropriate outreach and positive recruitment activities," such as the Department of Defense Transition Assistance Program (See http://www.dol.gov/vets/programs/tap/tap_fs.htm) and the National Resource Directory (See <https://www.nrd.gov>). However, contractors are allowed to identify other sources they feel will be most helpful in identifying and attracting veterans.

How can I get more information?

- To view the VEVRAA Final Rules, go to www.dol.gov/ofccp/VEVRAARule.
- For more information on the VEVRAA final rule, go to the U.S. Department of Labor document at <http://www.dol.gov/ofccp/regs/compliance/vevraa.htm>.

- For Questions and Answers, go to the OFCCP document at <http://www.dol.gov/ofccp/regs/compliance/faqsjvafaqs.htm#Q29>.

Content was developed by Northeast ADA Center, and is based on professional consensus of ADA experts and the ADA National Network.



[Employment and Disability Institute](#)
[Cornell University](#)
[ILR School](#)

201 Dolgen Hall
Ithaca, New York 14853

Phone: **1-800-949-4232** (Voice, TTY & Spanish in New York, New Jersey, Puerto Rico and the US Virgin Islands)

In other areas: 607-255-6686 (Voice, TTY, Spanish) Fax: 607-255-2763

Email: northeastada@cornell.edu

This information product was developed under a grant from the Department of Education, NIDRR grant number H133A110014 and H133A110020. However, the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.



© Copyright 2013 ADA National Network. All Rights Reserved.

May be reproduced and distributed freely with attribution to ADA National Network (www.adata.org).