



**TRANSMITTAL**

**U.S. DEPARTMENT OF LABOR  
Employment Standards Administration  
Office of Federal Contract Compliance Programs  
Washington, D.C. 20210**

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NUMBER: 190

DATE: May 3, 1994

FCCM Notice/CH 3

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1. **SUBJECT:** Clarification of VETS-100 Procedures in Manual Section 3I03
  
2. **PURPOSE:** To reaffirm that contractor violations of VETS-100 reporting requirements are to be reported to the NO Division of Program Operations (DPO) for transmittal to the Office of the Assistant Secretary for Veterans' Employment and Training (OASVET)
  
3. **BACKGROUND:** Transmittal #176 (9-30-02) revised a number of pages in Manual Chapter 3, among them page 3-28. It also included an unrelated correction to Section 3I03 on that page to state that contractor noncompliance with VETS-100 requirements is to be reported to DPO for transmittal to OASVET. When Transmittal #176 was rescinded by Transmittal #181 (3-2-93) for unrelated reasons, the VETS-100 change was also inadvertently rescinded. This directive reinstates that VETS-100 change.
  
4. **FILING INSTRUCTIONS:** From Manual Chapter 3, remove page 3-27/3-28, and substitute attached page 3-27/3-28. Note that 3-27 is unchanged. A right marginal line indicates the change on 3-28.
  
5. **DISTRIBUTION:** A, B, C

(signed) Shirley Wilcher

5-3-94

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SHIRLEY J. WILCHER  
Deputy Assistant Secretary

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DATE

for implementation of its program. The regulations at 41 CFR 60-250.6(h) and 41 CFR 60-741.6(h) should be used in evaluating the contractor's efforts to comply. The contractor must appoint an executive to serve as director or manager of the company affirmative action activities. That individual should be interviewed. The interview should identify the specific responsibilities and authority assigned to that individual, determine how those responsibilities are carried out, and how performance is assessed. Documentation, such as a copy of the individual's position description, or copies of reports prepared, should be obtained.

(i) Development and Execution of Action Programs: The contractor is required to develop and execute action-oriented programs. The extent of a contractor's efforts in this regard will depend on the results of its review of its employment practices. If the written AAP is detailed, the CO should review the specific actions described in the AAP with contractor personnel. Documentation for those actions where a written record is said to be maintained should be obtained. The CO should schedule interviews with employees, particularly those identified as individuals with disabilities, special disabled veterans, or veterans of the Vietnam era, to determine if such programs have affected their employment with the contractor.

(1) Evaluation and Documentation: In assessing the adequacy of the contractor's specific action-oriented programs, the CO should be guided by the regulations at 41 CFR 60-250.6(i) and 41 CFR 60-741.6(i). While all of the elements in these regulations are not required, they do provide a means by which the contractor's efforts to comply with its AA and EEO obligations can be evaluated. The CO should determine what the contractor has done and document the case file accordingly.

(2) Work Place Modifications: Work place modifications, such as ramps, specially marked parking spaces, lowered work tables, etc., may be considered action steps which a contractor can take in meeting its obligations under the regulations to take AA, conduct positive outreach and recruitment, and implement action-oriented programs. In addition, such modifications made on behalf of specific individuals may be considered accommodations.

(j) Sheltered Workshops: Contractors may not substitute contracts with sheltered workshops for their own AA efforts. Where the sheltered workshop trains employees for the contractor and the contractor is obligated to hire the trainees, such relationships may be included in the contractor's AAP(s).

### 3I02 AVAILABILITY OF THE AAP(s) FOR INSPECTION

41 CFR 60-250.5(c) and 41 CFR 60-741.5(d) require that the contractor post in a conspicuous place, available to both employees and applicants for employment, a notice which states that the 38 U.S.C. 4212 and Section 503 AAP(s) is available for inspection to any employee or applicant for employment, upon request. The notice must include the location and hours during which the documents may be obtained; e.g., "the AAP is available in the personnel office during regular business hours". The CO must determine whether such a notice is posted and if it meets the requirements of the regulations. The CO should address this in the onsite report.

### 3I03 COMPLIANCE WITH THE VETS 100 REPORT

Each contractor covered by the requirements of 41 CFR Part 60-250 must report, at least annually, the number of special disabled veterans and the number of veterans of the Vietnam era in its workforce, by job category and hiring location. The contractor must also report the total number of new employees, special disabled veterans, and veterans of the Vietnam era hired during the period covered by the report. The report is to be submitted to the Office of the Assistant Secretary for Veterans' Employment and Training Service (OASVETS) no later than March 31 of each year, on the form titled "Federal Contractor Veterans' Employment Report (VETS 100)." See Figure 3-3. The CO will determine whether the required report was submitted in a timely manner. Compliance with this requirement will be recorded as part of the onsite report. Noncompliance will be reported to the National Office, Division of Program Operations, for transmittal to OASVETS.

### 3J LINKAGE

#### 3J00 LINKAGE UNDER EXECUTIVE ORDER AAPs

- (a) Linkage Requirement: As a routine part of a compliance review, COs are required to make community contacts to determine whether contractors have made good-faith efforts towards achieving their affirmative action objectives. In order to make this good-faith determination, the EOS must have knowledge of the re-sources available in the community that can provide assistance to contractors in resolving employment deficiencies. Linkage involves OFCCP efforts to facilitate and encourage working relationships between contractors and community recruitment resources.

Revised May 3, 1994