

Veteran Self-Identification and the New VETS-4212 Form

In response to contractor inquiries, Office of Federal Contract Compliance Programs (OFCCP) has posted two Frequently Asked Questions (FAQs) regarding the new VETS-4212 reporting form and the requirement to invite voluntary self-identification of protected veteran status under the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA). One FAQ addresses whether contractors must continue to invite self-identification by category of protected veteran at the post-offer stage. While the other FAQ addresses contractors ability to choose to continue to invite self-identification by category of protected veteran.

1. The Veterans Employment and Training Service (VETS) replaced the VETS-100A form with a new VETS-4212 form. The new form requires federal contractors to report aggregate data on the number of protected veterans that were newly hired and the number they employed. This is different from the previous requirement that contractors report the data by the number of veterans in each of the individual categories for protected veterans. To comply with OFCCP's VEVRAA requirements, must contractors continue to invite applicants to self-identify using the individual categories at the post-offer stage?

No. The VEVRAA requirement, at 41 CFR 60-300.42(b), mandates that contractors invite post-offer self-identification as a protected veteran. This provision is specifically linked to the scope of the VETS reporting requirement. Accordingly, since the new VETS-4212 report no longer requires contractors to provide this information by the individual protected veteran categories, contractors are not required to invite self-identification by category in order to comply with VEVRAA's post-offer invitation requirement. Rather, contractors need only invite those offered a job to indicate whether they are protected veterans under any of the VEVRAA categories.

2. May a contractor continue to invite applicants to voluntarily self-identify as a protected veteran using the individual categories for protected veterans even though the new VETS-4212 form asks only for aggregated protected veteran data?

Yes. Though not required, contractors may choose to continue to invite applicants to voluntarily self-identify the specific category or categories of protected veteran to which they belong at the post-offer stage, so long as the contractor also provides VETS with the aggregate protected veteran data required by the VETS-4212 form.

The FAQs can be found on the OFCCP Web site at
http://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA_faq.htm