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Yet More Changes Wrought By the 2002 Jobs for Veterans Act? OMB Reviewing Rules on Ethnicity Reporting

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YET MORE CHANGES WROUGHT BY THE 2002 JOBS FOR VETERANS ACT?

To coordinate with the revised categories of covered veterans in the 2002 Jobs for Veterans Act, the Veterans' Employment and Training Service has proposed a new reporting requirement for federal contractors and subcontractors. The Service is seeking public comment concerning the proposed VETS-100A Report through December 3.

Who Would Be Required File the VETS-100A?

If the proposed rule is adopted, companies with government contracts or subcontracts valued at \$100,000 or more that were entered into or modified on or after December 1, 2003, will be required to file the new VETS-100A beginning in September 2008. Companies with contracts or subcontracts valued at \$25,000 or more that were entered into before December 1, 2003, would continue to file the standard VETS-100 form.

NOTE: Companies who hold contracts entered into before and after December 1, 2003, that meet the applicable monetary thresholds would be required to file both a VETS-100 and a VETS-100A report.

VETS-100 versus VETS-100A: What's the Difference?

The forms differ in two significant respects: (1) with respect to the categories of veterans who are covered; and (2) with respect to the total numbers requested.

Categories of veterans covered. The categories of veterans applicable to the VETS-100 are (1) Qualified Special Disabled Veterans; (2) Vietnam-era Veterans; (3) Other Protected Veterans; and (4) Recently Separated Veterans (one year after discharge or release from active duty).

The **VETS-100A** requires information regarding only the categories of covered veterans included in the JVA amendments: (1) Disabled Veterans; (2) Other Protected Veterans; (3) Armed Forces Service Medal Veterans; and (4) Recently Separated Veterans (three years after discharge or release from active duty).

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Total numbers requested. The **VETS-100** asks for the total number of employees by designated veteran category. The proposed **VETS-100A** asks for the same information with respect to its categories but also asks for the total number of employees at the facility – both veterans and non-veterans.

What Should a Federal Contractor Do?

- Companies with any federal contracts are well advised to review all government contracts to determine whether they are obligated to file the VETS-100, the VETS-100A, or both.
- Contractors should also review their post-offer invitations to self-identify veteran status to ensure that the invitations reflect the proper categories of veterans, depending on the date(s) of their government contracts and subcontracts.

Where Can I Get Copies of the VETS-100 and the VETS-100A?

To get a copy of the VETS-100 form, [click here](#). To get a copy of the VETS-100A, [click here](#).

OMB REVIEWING RULES ON ETHNICITY REPORTING

The Office of Management and Budget has announced it is reviewing a proposed amendment to the regulations of the Office of Federal Contract Compliance Programs in light of the revised EEO-1 Report. If adopted, the new rule would incorporate into affirmative action plan development the new EEO and racial/ethnic categories used in the September 2007 EEO-1 reports.

If you have a question about these or other topics related to affirmative action plan development or compliance, please contact a member of Constangy's Affirmative Action Practice Group or the Constangy attorney of your choice.

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