

Rich Hobbie  
Executive Director  
National Association of State Workforce Agencies  
444 N. Capitol Street NW, Suite 142  
Washington, DC 20001

Dear. Mr. Hobbie:

This letter is in response to your memorandum of April 13, 2009 to the Office of Federal Contract Compliance Programs (OFCCP) concerning the “mandatory job listing” regulations implementing the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (VEVRAA).

Section 4212(a) of VEVRAA requires covered Federal contractors to “take affirmative action to employ and advance in employment qualified” protected veterans. In addition, “to promote the implementation of such requirement” OFCCP regulations require contractors to list most job openings with the appropriate employment service delivery system and each such employment service delivery system is to provide protected veterans priority referrals to such openings. The purpose of mandatory listing, then, is to enable states to provide priority referrals of veterans to contractors to permit the contractors, in turn, to better implement their obligation to recruit and hire veterans. The goal is to help veterans get jobs.

Your memorandum requested that OFCCP’s National Office provide clarification to our Regional, District and Local offices of a contractor’s obligations to list its employment vacancies with the appropriate employment service delivery system under the mandatory job listing requirement of 41 CFR 60-250.5(a)2 and 60-300.5(a)2. Specifically, you asked that we inform our staff that *“Listing employment openings with the state workforce agency job bank **or** the local employment service delivery system where the opening occurs will satisfy the requirement to list jobs with the appropriate employment service delivery system.”*

That requirement reads as follows:

The contractor agrees to immediately list all employment openings which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one where the contract is being performed, but excluding those of independently operated corporate affiliates, with the appropriate employment service delivery system where the opening occurs. Listing employment openings with the state workforce agency job bank **or** with the local employment service delivery system where the opening occurs will satisfy the requirement to list jobs with the appropriate employment service delivery system.  
[Emphasis supplied]

A contractor may satisfy the mandatory job listing requirement by using any means that is permitted by the appropriate employment service delivery system to list jobs. The regulations clearly state that listing with *either* the state workforce agency job bank **or** the local employment service delivery system will satisfy the mandatory job listing requirement, and **OFCCP will reiterate this information to all of our OFCCP staff.** The key is to make sure the job is listed with the appropriate employment service delivery system so that the state system is able to provide protected veterans priority referrals to Federal contractor job openings.

Please remember, a contractor remains responsible for ensuring that its job openings are listed with the appropriate employment service delivery system, whether the contractor lists its openings directly with the appropriate employment service delivery system, or uses a third party to list employment job openings on its behalf.

Thank you for bringing this issue to our attention.

Sincerely,

Lorenzo D. Harrison  
Acting Director  
Office of Federal Contract Compliance

cc: Edward Montgomery