



**Client Support Packet: Complying with  
Section 503 and VEVRAA Regulation  
Changes**

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\*Word document is available for BCG's clients upon request.



## Client Support Packet: Complying with Section 503 and VEVRAA Regulation Changes

### JOB ANNOUNCEMENT TAGLINE

Federal contractors and subcontractors are required to include a “tagline” at the bottom of job listings indicating compliance with equal employment opportunity and associated regulations (example: EOE/M/F). Beginning March 24, 2014, this job announcement tagline must expand to include reference to protected veterans and individuals with disabilities.

For online purposes (where space is not costly and/or limited), the Office of Federal Contract Compliance Programs (OFCCP) would like to see all categories spelled out. However, where open positions are listed in newspaper ads and/or print (and there are costs associated with each letter included in the listing), the OFCCP will allow a slightly modified/abbreviated version (simply adding “D” and “V” is insufficient). Biddle Consulting Group (BCG) recommends:

- EOE/Minorities/Females/Vet/Disability, or
- EOE/M/F/Vet/Disability

As of April 8, 2015 the EEO tagline requirement for job listings was further expanded to include “sexual orientation” and “gender identity” (E.O. 13672). Contractors who choose to use the descriptive tagline (see example below) will have to include “sexual orientation” and “gender identity” into their EEO tagline. Non-descriptive taglines (e.g., EOE/M/F/Vet/Disability) can remain the same.

### SAMPLE DESCRIPTIVE TAGLINE

*“[Contractor] is an Equal Employment Opportunity Employer. The [contractor] provides equal employment opportunities to all qualified applicants without regard to race, sex, sexual orientation, gender identity, national origin, color, age, religion, protected veteran or disability status, or genetic information.”*



## EO POLICY STATEMENT

Federal contractors and subcontractors are required to update their policy statement to indicate the top US executive's (e.g., CEO or President) support for the affirmative action program. The policy statement must be included in the Affirmative Action Plan (AAP) and posted in the company bulletin board. Applicants and employees with disabilities must be provided with the policy statement in a form that is accessible and understandable.

### SAMPLE EO POLICY STATEMENT

#### Policy Statement 41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of COMPANYNAME and my personal commitment that equal employment opportunity be provided in the employment and advancement for all persons regardless of race, religion, color, national origin, sex, age, status as a protected veteran or individual with a disability at all levels of employment, including the executive level. COMPANYNAME does not and will not discriminate against any applicant or employee regardless of race, religion, color, national origin, sex, age, status as a protected veteran and/or individual with disability to any position for which the applicant or employee is qualified. In addition, COMPANYNAME is committed to a policy of taking affirmative action to employ and advance in employment qualified protected veteran employees. Such affirmative action shall apply to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. COMPANYNAME will make every effort to provide reasonable accommodations to any physical and mental limitations of individuals with disabilities and to disabled veterans.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

- (1) Filing a complaint;
- (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, or Armed Forces service medal veterans or Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other Federal, State or local law requiring equal opportunity for disabled persons;



(3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, or Armed Forces service medal veterans or section 503 or its implementing regulations or any other Federal, State or local law requiring equal opportunity for disabled persons; or

(4) Exercising any other right protected by VEVRAA or section 503 or their implementing regulations.

Our obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of race, religion, color, national origin, sex, age, status as a protected veteran or individual with a disability. COMPANYNAME's EEO policy and affirmative action obligations include the full support from ExecutiveTitle, ExecutiveName.

COMPANYNAME will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the AAP, identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in company-sponsored activities were extended to all employees and applicants.

If you have any questions regarding our equal employment opportunity, harassment policies or the complaint procedure, you may contact your local Human Resources representative. Parts of the Affirmative Action Plan may be reviewed, as appropriate, by making an appointment with your local Human Resources representative.

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(Signature)

CEOName  
ExecutiveTitle



## ELECTRONIC POSTING OF EEO RIGHTS

Federal contractors and subcontractors may notify employees and applicants of their EEO rights electronically; however, contractors and subcontractors must provide employees with computers or must have actual knowledge that the electronically posted notice is otherwise accessible. Notices must be posted in a conspicuous location on the company's intranet or email notices to all employees. BCG recommends including the notices as part of the application process to ensure applicant viewing.



## SAMPLE NOTICE TO STATE EMPLOYMENT SERVICE DELIVERY SYSTEM (ESDS)

Federal contractors/subcontractors with a single contract of \$10,000 or more (503) or \$100,000 or more (VEVRAA) are required to conduct “appropriate outreach and positive recruitment activities” for protected veterans and individuals with disabilities. This includes, but is not limited to, listing most open positions with state employment service delivery systems (ESDSs) as a means to attract qualified protected veteran applicants (note: although the new outreach and recruitment requirements are not aligned across both 503/VEVRAA, BCG recommends that contractors do so for efficiency and increased effectiveness).

Beginning March 24, 2014, the new regulations will require that federal contractors/subcontractors advise the state employment service that it is a contractor complying with VEVRAA, and that the contractor provide: 1) indication that it is a federal contractor, 2) a desire for priority referrals, and 3) contact information for the “hiring official” for each location in the state with openings. Contractors/subcontractors are now also required to provide data in the format permitted by the state employment service delivery system.

Exceptions to VEVRAA’s listing requirements include: 1) positions filled by internal means only (i.e., through transfer or promotion only), 2) positions lasting less than three days, 3) executive and top management positions, and 4) positions filled exclusively through a union and/or a collective bargaining agreement.

### COMPANY ABC LETTERHEAD

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State Employment Service Delivery Agency

Address

Dear:

[*Company ABC*] is a federal contractor or subcontractor subject to the requirements of the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) and Section 503 of the Rehabilitation Act (as amended). [*Company ABC*] desires the state to send priority referrals of protected veterans and individuals with disabilities for job openings at all locations within the state. The following is a list of the company’s hiring locations within the state and the contact information for the primary hiring official overseeing selections at each location.

Hiring Location #1

Name of hiring official

Phone: 1-800-XXX-XXXX

Email: john.smith@companyabc.com

Hiring Location #2

Name of hiring official



Phone: 1-800-XXX-XXXX

Email: [john.smith@companyabc.com](mailto:john.smith@companyabc.com)

Hiring Location #X . . .

Name of hiring official

Phone: 1-800-XXX-XXXX

Email: [john.smith@companyabc.com](mailto:john.smith@companyabc.com)

Depending on the position, [Company ABC] will periodically use a third-party external job search organization to assist with placements. The name of the firm, and primary contact information at the firm is as follows:

Job Placement Firm

Name of primary contact

Phone: 1-800-XXX-XXXX

Email: [john.smith@companyabc.com](mailto:john.smith@companyabc.com)

When/if any of the contact information changes, notification of those changes will accompany subsequent listings. Should you have any questions, do not hesitate to contact me directly.

Sincerely,





## NOTIFICATION TO LABOR ORGANIZATION

Contractors must send out notification of affirmative action efforts to labor organizations informing them of the company's commitment to take any affirmative action to employ and will not discriminate against protected veterans and individuals with disabilities.

### NOTICE TO LABOR ORGANIZATION SAMPLE LETTER

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Notice to Labor Organization  
**41 C.F.R. § 60-300.5(a)(10); 60-741.5(a)(5)**

Official  
Labor Organization  
Address

Dear:

[*Company ABC*] is a federal contractor or subcontractor subject to the requirements of the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) and Section 503 of the Rehabilitation Act (as amended). [*Company ABC*] is bound by the terms of VEVRAA and Section 503, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against protected veterans and individuals with disabilities. [*Company ABC*] is required to send out written notifications and we appreciate your efforts in assisting with our legal and regulatory obligations.

Should you have any questions, please do not hesitate to contact me directly.

Sincerely,



## SELF-IDENTIFICATION OF DISABILITY/PROTECTED VETERAN STATUS

Clarification by the OFCCP indicates contractors **DO NOT** need to begin soliciting pre-offer disability/protected veteran status information until their organization's first Affirmative Action Plan (AAP) cycle after March 24, 2014. For example:

- Contractors with calendar-year AAPs do not need to begin soliciting pre-offer self-ID information until January 1, 2015.
- Contractors with AAP implementation dates between January 2 and March 23, 2014 do not need to begin soliciting pre-offer self-ID information until the beginning of their 2015 AAP cycle.
- Contractors with AAP implementation dates on or after March 24, 2014 need to begin soliciting pre-offer self-ID information at the beginning of their 2014 AAP cycle.

### ONLINE VERSUS HARD COPY SURVEY FORMS

After March 24, 2014, contractors may solicit protected veteran status and disability information pre-offer via hard copy or online forms. Contractors choosing to create online versions of these forms may solicit this information at the same time other demographic information is solicited. However, given that the format and content of each of these forms is approved by the Office of Management and Budget (OMB), the OFCCP does not want contractors to make modifications. As such, they have provided very granular detail that contractors must follow (note: the details outlined below are set forth specifically for the 503 survey form; however, there is no downside to using the same details when designing the VEVRAA online form, in fact, BCG recommends that contractors do so for efficiency and increased effectiveness). The e-forms must:

- Display the OMB number and expiration date
- Contain the text of the form without alteration
- Use a sans-serif font, such as Calibri or Arial; and
- Use at least 11-pitch for font size (with the exception of the footnote and burden statement, which must be at least 10-pitch in size).

In the case of the 503 survey, the OFCCP expects employers to use the survey for pre/post and current workforce. Surveying current workforce must be completed within twelve (12) months of becoming subject to 503 and every five (5) years with at least one reminder within the five (5) year period.



**Voluntary Self-Identification of Disability**

**Why are you being asked to complete this form?**

Because we do business with the government, we must reach out to, hire and provide equal opportunity to qualified people with disabilities. To help us measure how we are doing, we are asking you to tell us if you have a disability or if you ever had a disability. Completing this form is voluntary, but we hope that you will choose to fill it out. If you are applying for a job, any answer you give will be kept private and will not be used against you in any way.

If you already work for us, your answer will not be used against you in any way. Because a person may become disabled at any time, we are required to ask all of our employees to update their information every five years. You may voluntarily self-identify as having a disability on this form without fear of any punishment because you did not identify as having a disability earlier.

**How do I know if I have a disability?**

You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history or record of such impairment or medical condition.

Disabilities include, but are not limited to:

- Blindness
- Autism
- Bipolar Disorder
- Post-Traumatic Stress Disorder (PTSD)
- Deafness
- Cerebral Palsy
- Major Depression
- Obsessive Compulsive Disorder
- Cancer
- HIV/AIDS
- Multiple Sclerosis (MS)
- Impairments requiring the use of a wheelchair
- Diabetes
- Schizophrenia
- Missing Limbs or Partially missing Limbs
- Intellectual Disability (Previously called mental retardation)
- Epilepsy
- Muscular Dystrophy

**Please check one of the boxes below:**

- YES, I HAVE A DISABILITY (or previously had a disability)
- NO, I DON'T HAVE A DISABILITY
- I DON'T WISH TO ANSWER

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
Date



## Voluntary Self-Identification of Disability

### Reasonable Accommodation Notice

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the application process or work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

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Section 503 of the Rehabilitation Act of 1973, as amended. For more information about this form or the equal employment obligations of Federal contractors, visit the US Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) website at [www.dol.gov/ofccp](http://www.dol.gov/ofccp).

**PUBLIC BURDEN STATEMENT:** According to the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This survey should take about 5 minutes to complete.



Under current OFCCP rules, federal contractors/subcontractors are required to invite individuals to self-identify as protected veterans one time, after a conditional offer of employment has been extended.

OFCCP's new rules, effective **March 24, 2014**, will require that the invitation be extended two times: First, at the time of application, and second, following a conditional offer of employment. Slightly different language for the pre- and post-offer invitations will be required and are included below.

In addition, OFCCP has stated in its online Frequently Asked Questions that the disability self-identification form may not be modified or altered in any way. For this reason, we recommend **NOT** combining the veterans and disability self-identification forms as many contractors do today. Because the self-identification requirement resides in Part C of the new rules, contractors/subcontractors do not have to begin using this form until the first day of the AAP year that begins after the **March 24, 2014** effective date of the new rules.

For example, a contractor with a July 1 plan year should begin this new self-identification process on July 1, 2014. A contractor with a January 1 plan year should begin using the new self-identification forms on January 1, 2015.

**Pre-Offer Protected Veteran Self-Identification Form**

This employer is a Government contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002, 38 U.S.C. § 4212 (VEVRAA), which requires Government contractors to take affirmative action to employ and advance in employment: (1) disabled veterans; (2) recently separated veterans; (3) active duty wartime or campaign badge veterans; and (4) Armed Forces service medal veterans. These classifications are defined as follows:

(1) A "*disabled veteran*" is one of the following: a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or a person who was discharged or released from active duty because of a service-connected disability.

(2) A "*recently separated veteran*" means any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

(3) An "*active duty wartime or campaign badge veteran*" means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war, or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.



(4) An “*Armed forces service medal veteran*” means a veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

Protected veterans may have additional rights under USERRA—the Uniformed Services Employment and Reemployment Rights Act. In particular, if you were absent from employment in order to perform service in the uniformed service, you may be entitled to be reemployed by your employer in the position you would have obtained with reasonable certainty if not for the absence due to service.

For more information, call the U.S. Department of Labor’s Veterans Employment and Training Service (VETS), toll-free, at 1-866-4-USA-DOL.

If you believe you belong to any of the categories of protected veterans listed above, please indicate by checking the appropriate box below. As a Government contractor subject to VEVRAA, we request this information in order to measure the effectiveness of the outreach and positive recruitment efforts we undertake pursuant to VEVRAA.

- I IDENTIFY AS ONE OR MORE OF THE CLASSIFICATIONS OF PROTECTED VETERAN LISTED ABOVE
- I AM NOT A PROTECTED VETERAN
- I CHOOSE NOT TO SELF-IDENTIFY

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



**Post-Offer Protected Veteran Self-Identification Form**

As a Government contractor subject to VEVRAA, we are required to submit a report to the United States Department of Labor each year identifying the number of our employees belonging to each specified “protected veteran” category. These classifications are defined as follows:

(1) A “*disabled veteran*” is one of the following: a veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or a person who was discharged or released from active duty because of a service-connected disability.

(2) A “*recently separated veteran*” means any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty in the U.S. military, ground, naval, or air service.

(3) An “*active duty wartime or campaign badge veteran*” means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war, or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.

(4) An “*Armed forces service medal veteran*” means a veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

If you believe you belong to any of the categories of protected veterans listed above, please indicate by checking the appropriate box below.

- I IDENTIFY AS ONE OR MORE OF THE CLASSIFICATIONS OF PROTECTED VETERAN LISTED ABOVE
- I AM NOT A PROTECTED VETERAN
- I CHOOSE NOT TO SELF-IDENTIFY

If you are a disabled veteran it would assist us if you tell us whether there are accommodations we could make that would enable you to perform the essential functions of the job, including special equipment, changes in the physical layout of the job, changes in the way the job is



customarily performed, provision of personal assistance services or other accommodations. This information will assist us in making reasonable accommodations for your disability.

The submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by the Office of Federal Contract Compliance Programs, or enforcing the Americans with Disabilities Act, may be informed.

***[The contractor should here insert a brief provision summarizing the relevant portion of its affirmative action program.]***

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date





## DATA COLLECTION ANALYSES

Under Subpart C of the new VEVRAA and Section 503 regulations, contractors are required to collect the following data:

- Number of all Applicants
- Number of Applicants who Self-Identified as Individuals with Disability(ies) (IWD) and Protected Veterans (Vets)
- Number of Job Openings – Job “openings” is defined by the OFCCP through their FAQ’s as:

*“The total number of job openings refers to the **number of individual positions advertised as open in a job vacancy announcement or requisition** [emphasis added]. For example, if one job vacancy announcement or requisition includes 5 open positions and results in 4 hires, the contractor would document this as 5 job openings and 4 jobs filled.”*

- Number of Jobs Filled – Jobs “filled” is defined by the OFCCP through their FAQ’s as:

*“In the context of the data collection requirements of 60-300.44(k), jobs “filled” refers to **all jobs the company filled by any means, be it through a competitive process or non-competitively**, e.g., through reassignment or merit promotion. It, therefore, should take into account **both new hires into the company and those employees who were placed into new positions via promotions, transfers, and reassignments** [emphasis added].”*

Furthermore, the FAQ’s also provided the additional explanation:

*“**Both competitive and non-competitive movements may qualify as “jobs filled,” so long as the movement is one into a different position**, rather than simply a movement within the same position [emphasis added]. This will necessarily be a fact-based determination. So, for example, a time-driven salary increase from one “step” to the next within the same position would not be a “job filled,” since there was not any movement into a new position. By contrast, if an apprentice completes a certification program and moves into a journeyman position, then such movement would be a “job filled,” since it is a movement from one position to another.”*

- Number of Hires – defined by the OFCCP through their FAQ’s as:

*“...In contrast, the number of those “hired” refers solely to those applicants **(both internal and external to the contractor) who are hired through a competitive process, including promotions** [emphasis added].”*



- Number of Hires with Disabilities and/or who are Protected Veterans – definition for this category should follow the definition provided in the 5<sup>th</sup> bullet above.



## BENCHMARK FOR VETERANS & UTILIZATION GOAL FOR INDIVIDUALS WITH DISABILITIES

The OFCCP established a hiring benchmark for veterans and utilization goal for disabilities. They have stressed that failure to meet the benchmark and goal is NOT a violation. However if deficient, the contractor must identify where impediments to EO exist and develop action oriented programs/good faith efforts.

### HIRING BENCHMARK FOR VETERANS

#### Hiring Benchmark -- VEVRAA

- Contractors must establish annual hiring benchmark
  - May use national percentage of veterans in the CLF (currently 7.0%)<sup>1</sup>
- OR**
- May calculate own percentage based upon five criteria:
  1. Average % of veterans in CLF
  2. # of veterans in state ESDS over past twelve months
  3. Applicant/hire data over past year
  4. Contractors own assessment of outreach and recruitment
  5. Any other related factor
- May apply benchmark to job groups or EEO-1 categories

The OFCCP may update the hiring benchmark (7.0%) for Veterans as needed. Please check the hiring benchmark database periodically for any updates (<http://www.dol-esa.gov/errd/VEVRAA.jsp>).

### UTILIZATION GOAL FOR INDIVIDUALS WITH DISABILITIES

The OFCCP has established an aspiration goal of 7% for individuals with disabilities. The 7% was calculated by utilizing the population with disability of 7.4% and the civilian labor force with disability of 5.7%.

- 7% for the entire workforce if contractor has 100 or fewer employees
- 7% will be applied to each job group if organization has more than 100 employees
- The OFCCP may review and update (as appropriate) the utilization goal established

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<sup>1</sup> The hiring benchmark may change, as the OFCCP may deem fit, according to the end-of-year data from the Bureau of Labor Statistics (BLS).



## CONTRACT/SUBCONTRACT REQUIRED CITATIONS (I.E., REVISED EO CLAUSE)

Not to be confused with the EEO “tagline” discussed above, the Equal Opportunity (EO) Clause refers to the text to be included in government contracts, subcontracts, amendments to contracts, modifications, renewals, and/or extensions that meet certain dollar amount thresholds, signed after March 23, 2014. To eliminate burdensome of identifying government contracts, BCG recommends including the EO clause in all contracts. There are two (2) separate, but very similar clauses for 503 and VEVRAA changes. Federal contractors and subcontractors may incorporate the revised EO clauses separately or they can be combined into a single clause.

### EO CLAUSE: SEPARATED SECTION 503 AND VEVRAA

Must be included in government contracts, subcontracts, amendments to contracts, modifications, renewals, and/or extensions in excess of \$10K signed after March 24, 2014, and include the following bolded text:

**“This contractor and subcontractor shall abide by the requirements of 41 CFR 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.”**

Must be included in government contracts, subcontracts, amendments to contracts, modifications, renewals, and/or extensions in excess of \$100K signed after March 23, 2014, and include the following bolded text:

**“This contractor and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.”**

### EO CLAUSE: COMBINED SECTION 503 AND VEVRAA

Contractors may combine both EO clauses by reference. Must be included in government contracts, subcontracts, amendments to contracts, modifications, renewals, and/or extensions signed after March 23, 2014, and include the following bolded text:

**“This contractor and subcontractor shall abide by the requirements of 41 CFR §§ 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals on the basis of protected veteran status or disability, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.”**



## EO CLAUSE: COMBINED ALL EO CLAUSES

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Contractors may combine all of the Equal Opportunity (EO) clauses into one consolidated clause. This clause must be included in all modifications, renewals, and/or extensions signed after March 23, 2014, and include the following bolded text:

**“This contractor and subcontractor shall abide by the requirements of 41 CFR §§ 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.”**



## NOTIFICATION TO SUBCONTRACTORS AND VENDORS

Contractors must send out notification of affirmative action efforts to all subcontractors, vendors, and suppliers requesting appropriate action on their part.

### SAMPLE NOTIFICATION

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Dear Vendor/Subcontractor:

[*COMPANY NAME*] is a federal contractor obligated to take affirmative action to employ women, minorities, disabled individuals, and veterans. [*COMPANY NAME*] is also required to inform those with whom it conducts business that they, too, may have such obligations.

You should know that, by operation of law, as well as by this notification, the Equal Employment Opportunity Clause required under Executive Order 11246, (41 C.F.R. 60-1.4), the affirmative action commitment for special disabled veterans and veterans of the Vietnam Era set forth in 41 [C.F.R. 60-300.44(f)(1)(ii)], the Affirmative Action Clause for Section 503 of The Rehabilitation Act of 1973 set forth in 41 [C.F.R. 60-741.44(f)(1)(ii)], and the related regulations of Secretary of Labor, (41 C.F.R.), Chapter 60, are incorporated in all of our contractual relationships with you and others.

This notification does not necessarily mean that your business has any or all of the affirmative action obligations referenced above. This will depend upon a number of factors, including the dollar amount of our transaction(s) and the size of your workforce. This provides that if the laws' jurisdictional requirements are met, you will abide by any and all of your affirmative action responsibilities. The governing agency on affirmative action requires that we maintain this type of documentation to show that [*COMPANY NAME*] is in compliance with the law itself.

Thank you for your cooperation. If you have any questions, please call.

Sincerely,



## APPENDICES

### APPENDIX A: FREQUENTLY ASKED QUESTIONS - SECTION 503

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On August 27, 2013, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) announced a Final Rule that makes changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) at 41 CFR Part 60-741. Periodically, the OFCCP update the frequently asked questions (FAQ) page on the OFCCP website with valuable information to federal contractors. BCG recommends reading through the FAQs. [http://www.dol.gov/ofccp/regs/compliance/faqs/503\\_faq.htm](http://www.dol.gov/ofccp/regs/compliance/faqs/503_faq.htm)

### APPENDIX B: FREQUENTLY ASKED QUESTIONS - VEVRAA

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On August 27, 2013, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) announced a Final Rule that makes changes to the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA), at 41 CFR Part 60-300. Periodically, the OFCCP update the frequently asked questions (FAQ) page on the OFCCP website with valuable information to federal contractors. BCG recommends reading through the FAQs. [http://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA\\_faq.htm](http://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA_faq.htm)

### APPENDIX C: SECTION 503 AND VEVRAA REGULATIONS CHECKLIST

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A checklist of the updated regulations that outlines the requirements of federal contractors and subcontractors which include implementation dates and any recommendations BCG may have. Please refer to the excel spreadsheet for checklist and a sample of a report for the "Measurement of Effectiveness of Outreach and Recruitment"

