

Veterans Rights

OFCCP Protects Veterans from Discrimination

The Office of Federal Contract Compliance Programs (OFCCP) enforces the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974. This law, sometimes referred to as VEVRAA or Section 4212, requires employers doing business with the Federal government to take steps to recruit, hire and promote protected veterans. It also makes it illegal for these companies to discriminate against protected veterans when making employment decisions on hiring, firing, pay, benefits, job assignments, promotions, layoffs, training, and other employment related activities.

1. What is employment discrimination based on someone's status as a protected veteran?

Employment discrimination based on your status as a protected veteran generally occurs when an employer treats you, as an employee or job applicant, unfavorably because you belong to one of the categories of protected veterans covered under Section 4212.

2. Who is a "protected veteran" under Section 4212?

You are a "protected veteran" under Section 4212 if you belong to one of the categories of veterans described below:

- **Disabled Veteran**

A veteran who served on active duty in the U.S. military and is entitled to disability compensation (or who but for the receipt of military retired pay would be entitled to disability compensation) under laws administered by the Secretary of Veterans Affairs, or was discharged or released from active duty because of a service-connected disability.

- **Other Protected Veteran**

A veteran who served on active duty in the U.S. military during a war, or in a campaign or expedition for which a campaign badge was authorized under the laws administered by the Department of Defense.

- **Recently Separated Veteran**

A veteran separated during the three-year period beginning on the date of the veteran's discharge or release from active duty in the U.S. military.

- **Armed Forces Service Medal Veteran**

A veteran who, while serving on active duty in the U.S. military, participated in a U.S. military operation that received an Armed Forces service medal.

For some Federal contracts and subcontracts entered into prior to December 2003, the categories of protected veterans under Section 4212 are slightly different. If you have questions about whether your military service qualifies you as a protected veteran, you should contact OFCCP via any of the contact information provided below.

3. What are my rights as a protected veteran?

As a protected veteran under Section 4212, you have the right to work in an environment free of discrimination. You cannot be denied employment, harassed, demoted, terminated, paid less or treated less favorably because of your veteran status.

If you are an employee and a disabled veteran you can request, and your employer must provide you, "reasonable accommodation," to allow you to perform your job, unless doing so would cause the employer significant difficulty or expense.

Similarly, if you are a disabled veteran applying for a job, the employer must provide you with reasonable accommodation during the application process to allow you to apply and be considered for the job. Again, reasonable accommodation must be provided unless it would be too difficult or too expensive to do so.



4. Who does OFCCP protect?

OFCCP protects the rights of applicants and employees of Federal government contractors and subcontractors. Companies doing business with the Federal government must abide by the laws OFCCP enforces that prohibit discrimination based on race, color, sex, religion, national origin, disability, and status as a protected veteran. Approximately 25% of the American workforce is employed by companies that do business with the Federal government. This includes employees at banks, meat packing plants, retail stores, manufacturing plants, accounting firms, and construction companies, among others, working on federal and/or federally-funded projects.

Finding Employment Opportunities

5. Where can I obtain job services that will help me find employment?

Sources available to assist veterans in finding employment or other services include:

- The local employment service offices or One-Stop Career Centers, which offer services to veterans including career planning, job search resources, training, and referral to employers that are recruiting. You can locate the local employment service office or One-Stop Career Center nearest you on the CareerOneStop website at <http://www.servicelocator.org/>. The Department of Labor sponsors this website.
- The National Resource Directory (NRD) is a website for connecting veterans and their families to a variety of organizations that have assistance programs specifically for veterans. NRD provides access to employment opportunities, benefit information, and education and training opportunities. The Department of Labor, in partnership with the Department of Defense, the Department of Veterans Affairs, and the Military Services sponsors this website. The NRD can be found online at <https://www.nationalresourcedirectory.gov/>.

6. Does Section 4212 require Federal contractors to take specific actions to recruit protected veterans?

Federal contractors must list job openings with the local employment service office or One-Stop Career Center so that protected veterans can receive priority in referral to their job openings. All states have online job banks where employers can list their openings and job seekers can search

for employment. To find local job listings visit the CareerOneStop at <http://careeronestop.org/>. In addition, employers are encouraged to work with local veterans' groups to recruit qualified veterans.

7. Do protected veterans receive preference when hiring?

The Federal government usually grants a hiring preference to disabled veterans, and veterans who served on active duty in the Armed Forces during certain periods or in military campaigns, when hiring for government jobs. Private employers, including those who do business with the Federal government, do not have to provide a preference in hiring for veterans.

Veterans' preference laws do not guarantee veterans a job and they do not give veterans preference in internal agency actions such as promotion, transfer, reassignment, and reinstatement.

8. Can an employer offer me a lower salary or pay me less than it pays other employees doing the same job because I receive a military pension?

No, an employer cannot reduce your salary or pay you less because you receive a military pension.

Seeking Reasonable Accommodation for Disabled Veterans

9. What is "reasonable accommodation"?

A "reasonable accommodation" is an adjustment or change made to the workplace, or the usual way of performing a job, that allows a disabled veteran to perform the duties of the job or enjoy the benefits and privileges of employment. A reasonable accommodation does not change essential job functions. An employer also makes reasonable accommodation that allows a disabled veteran seeking a job to be able to apply for the job.

Your "reasonable accommodation" may be different from those provided to other employees or job applicants. This is because accommodations depend upon the nature of the disability and the type of job. The accommodation, no matter what it is, may not be unduly costly or disruptive for your employer. Your employer can choose the type of reasonable accommodation that will be made available; however, the accommodation must be effective. For instance, your employer may choose to provide a ramp instead of an elevator to address accessibility issues.

10. What are some examples of "reasonable accommodation" that employers can provide during the hiring process and later to assist with performing the job?

Reasonable accommodation can take many forms. We list some common accommodations below.

- Providing written materials in accessible formats, such as large print, Braille, or audiotape.
- Adjusting or modifying work schedules.
- Providing readers or sign language interpreters.
- Holding recruitment, interviews, tests, and other parts of the application process in accessible locations.
- Holding staff meetings in accessible locations.
- Providing or modifying equipment and devices.
- Adjusting or modifying policies and procedures.
- Changing the work environment to improve accessibility.

11. How do I request reasonable accommodation?

There is no special process for you, either as an employee or job applicant, to request an accommodation. You do not have to use special words or the words "reasonable accommodation" when making your request, nor do you have to put your request in writing. You can simply tell your employer that you need an adjustment or change at work due to a disability. You should be prepared to provide your employer with enough information to show that you have a disability.

If you need an accommodation in the application process, you must inform the employer that you need a change or adjustment to the application or interview process because of your disability. You can make this request orally or in writing, or someone else might make a request for you (e.g., a family member, friend, health professional, or other representative, such as a job coach). Once you make the request, the employer may ask that you complete certain forms or follow other procedures. The employer cannot use these procedures to prevent you from receiving a timely accommodation.

It is important to note that you are not required to produce your entire medical or mental health history to obtain an accommodation. You only need to provide the pertinent information needed to make an accommodation.

Filing a Complaint

12. How do I file a discrimination complaint based on my status as a protected veteran?

You may file a discrimination complaint by:

- Completing and submitting a form online through OFCCP's Website, you will be asked to sign the form when you are interviewed by an OFCCP investigator; or
- Completing a form in person at the OFCCP office nearest to where you live; or
- Mailing a completed form to the OFCCP regional office nearest to where you live.

The form is available online at <http://www.dol.gov/ofccp> or in hardcopy at all OFCCP offices. To find the office nearest to where you live, visit the online listing at: www.dol.gov/ofccp/contacts/ofnation2.htm.

You can also file a complaint with the Veterans' Employment and Training Service at the Department of Labor or a Local Veterans' Employment Representative at the local employment service office or One-Stop Career Center.

13. Can I be fired for filing a complaint?

No, employers cannot retaliate against you for filing a complaint or participating in an investigation. The law protects you from harassment, intimidation, threats, coercion, or discrimination for asserting your rights.

14. What will happen if there is a finding that I was a victim of employment discrimination?

You may be entitled to a remedy that places you in the position you would have been in if the discrimination had never happened. You may be entitled to hiring, promotion, reinstatement, back pay, or reasonable accommodation, including reassignment.

15. What do I do if I feel a company doing business with the Federal government is discriminating against me?

If you are a veteran and believe you were discriminated against in your job, or in applying for a job, because of your status as a protected veteran please contact us at:

THE U.S. DEPARTMENT OF LABOR
Office of Federal Contract Compliance Programs
Washington, D.C. 20210
1-800-397-6251
OFCCP-Public@dol.gov
www.dol.gov/ofccp

Please note that this fact sheet provides general information, it is not intended to substitute for the actual law and regulations regarding the program described herein.