

## KNOW YOUR RIGHTS

# Protected 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, 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 VEVRAA.

### 2. Who is a "protected veteran" under VEVRAA?

You are a "protected veteran" under VEVRAA 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 VEVRAA 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. Who does OFCCP protect?

OFCCP protects the rights of employees and job applicants of companies doing business with the Federal Government. This includes employees at banks, information technology firms, meat packing plants, retail stores, manufacturing plants, accounting firms, and construction companies, among others.

### 4. What are my rights as a protected veteran?

As a protected veteran under VEVRAA, 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 a "reasonable accommodation." A reasonable accommodation is one that allows you to perform your job, and must be provided by



your employer 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.

#### 5. What is a “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 must make a reasonable accommodation that would allow a disabled veteran seeking a job to be able to apply for the job.

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.

More information on how to request a reasonable accommodation is available at <https://www.dol.gov/ofccp/posters/ReasonableAccommodationPocketCard/index.htm>.

#### 6. 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 audiotope.
- 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.

### Finding Employment Opportunities

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

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

1. The local employment service offices or American Job 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 American Job Center nearest you at <http://www.careeronestop.org/localhelp/local-help.aspx>. The Department of Labor sponsors this Web site.
2. The National Resource Directory (NRD) is a Web site 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 Web site. The NRD can be found online at <https://www.nationalresourcedirectory.gov/>.

#### 8. Does VEVRAA require Federal contractors to take specific actions to recruit protected veterans?

Federal contractors must list job openings with the local employment service office or American Job Center so that protected veterans can receive priority referrals for 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 <http://careeronestop.org/>. In addition, employers are encouraged to work with local veterans’ groups to recruit qualified veterans.

#### 9. 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.

#### 10. 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.

### Filing a Complaint

#### 11. What do I do if I believe my employer discriminated against me because of my status as a protected veteran?

You can file a complaint with OFCCP. You do not need to know with certainty that your employer is a federal contractor or subcontractor in order to file a complaint.

#### 12. How do I file a complaint with OFCCP?

You may file a discrimination complaint by:

- Completing and submitting a form online through OFCCP’s Web site; or
- Completing a form in person at an OFCCP office; or
- Mailing, e-mailing, or faxing a completed form to the OFCCP regional office that covers the location where the alleged discrimination occurred.

The form is available online at <https://www.dol.gov/ofccp/regs/compliance/pdf/pdfstart.htm> or in paper format at all OFCCP offices. To find the office nearest to where you live, visit the online listing of OFCCP offices at: [www.dol.gov/ofccp/contacts/ofnation2.htm](http://www.dol.gov/ofccp/contacts/ofnation2.htm).

You must remember to sign your completed complaint form. If you fail to do so, OFCCP will still take your complaint but an OFCCP investigator will ask you to sign the form during a follow-up interview. Complaints alleging discrimination based on protected veteran status must be filed within 300 days from the date of the alleged discrimination, unless the time for filing is extended for good cause.

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 American Job Center. These complaints will be transferred to OFCCP.

#### 13. Can my employer fire, demote, or treat me less favorably because I filed a complaint?

No. It is illegal for your employer to retaliate against you for filing a complaint or participating in an investigation. OFCCP’s regulations protect you from harassment, intimidation, threats, coercion, or retaliation 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 be hired, promoted, reinstated, or reassigned. You may also be entitled to back pay, front pay, a pay raise, or some combination of these remedies. In addition, if OFCCP finds that the federal contractor or subcontractor violated VEVRAA, OFCCP could seek to have the company debarred or removed from consideration for future federal contracts or have the company’s current contracts or contract modifications cancelled.

**For more information:**  
THE U.S. DEPARTMENT OF LABOR  
**Office of Federal Contract Compliance Programs**  
200 Constitution Avenue, NW  
Washington, D.C. 20210  
1-800-397-6251  
TTY: 1-877-889-5627  
[www.dol.gov/ofccp](http://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.