

Office of Federal Contract Compliance Programs

Directive (DIR) 2020–01



U.S. DEPARTMENT OF LABOR Office of Federal Contract Compliance Programs

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Effective Date: November 08, 2019

1. **SUBJECT:** Spouses of Protected Veterans
2. **PURPOSE:** To ensure that federal contractors are not discriminating against spouses of protected veterans and to provide compliance assistance during compliance evaluations on how contractors can support the families of protected veterans.
3. **REFERENCES:**
 - a. Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA).
 - b. 41 CFR 60-300.21(e).
4. **AFFECTED POLICY:** None
5. **BACKGROUND:** OFCCP enforces Executive Order 11246, as amended, Section 503 of the Rehabilitation Act, as amended, and VEVRAA. Collectively, these laws require affirmative action and prohibit federal contractors from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, disability or status as a protected veteran. Contractors also are prohibited from discriminating against applicants or employees because they inquire about, discuss, or disclose their compensation or that of others, subject to certain limitations.

OFCCP's regulations implementing VEVRAA make it unlawful for a federal contractor to discriminate in employment against a qualified individual because that individual is known to have a family, business, social or other relationship or association with a protected veteran.¹ This protection therefore extends to spouses of protected veterans. See 41 CFR §60-300.21(e).
6. **ROLES AND RESPONSIBILITIES:** It is the responsibility of OFCCP staff conducting compliance evaluations to act in accordance with the procedures stated in this directive.
7. **POLICY AND PROCEDURES:** In an effort to ensure that contractors do not discriminate against qualified individuals because such individuals are spouses of protected veterans, OFCCP will take the following actions during compliance evaluations.

During the onsite investigation, the OFCCP compliance officer (CO) will ask questions of Human Resource (HR) staff, managers, and employees.

For HR staff and managers, the CO will:

- o Offer compliance assistance by providing the attached sample nondiscrimination policy statement that the contractor may use; and,
- o Ensure that the contractor understands its obligation not to discriminate against qualified individuals whom the contractor knows to be spouses or other associates of a protected veteran.

For employees that the CO interviews in the course of a compliance evaluation, the CO will:

- o Ask if they are a spouse of a protected veteran;
- o Ask if they have coworkers who are spouses of protected veterans;
- o Ask for any observations they have concerning the treatment of spouses of protected veterans;
- o Provide a link to the online portal for military spouses maintained by the Veterans' Employment Training Service on interstate license recognition options (<https://www.veterans.gov/milspouses/>); and,
- o Direct the employee to OFCCP's online resources for employees and job seekers (<https://www.dol.gov/ofccp/VETERANS/VeteranResources.html>).

8. **ATTACHMENT:** Sample Policy Statement for Employment of Spouses of Protected Veterans.

/S/

Craig E. Leen

Director

Office of Federal Contract Compliance Programs

¹ A *protected veteran* is a veteran who is protected under the nondiscrimination and affirmative action provisions of VEVRAA; specifically, a veteran who may be classified as a "disabled veteran," "recently separated veteran," "active duty wartime or campaign badge veteran," or an "Armed Forces service medal veteran." See 41 CFR §30-300.2.

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