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Employers NOT Required to Invite Post-Offer Applicants to Identify as “Protected Veteran”: Office of Federal Contract Compliance Programs

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As we addressed in late-September 2014, the new [VETS-4212 Form](#) to be filed by employers in 2015 will not require reporting of specific categories of “**protected veteran**.” The VETS-4212 will require reporting of only the total number of protected veterans.

Under the revised Section 4212 regulations, *employers have the obligation to invite applicants to self-identify as a protected veteran at both the pre-offer and post-offer stages.* At the pre-offer stage, employers have never been required to invite applicants to identify the specific protected veteran category to which they belong. Previously, the Section 4212 regulations required employers to invite post-offer applicants to identify to which specific category of protected veteran category they belong.

After the regulations were updated, and in connection with release of the new VETS-4212 form, there was a question of whether employers were still required to invite applicants or employees to identify whether they fall into one or more of the specific protected veteran categories.

Today, **The Office of Federal Contract Compliance Programs (OFCCP)** answered the question in the posting of [two new VEVRAA FAQs](#) and the answer is “No.”

OFCCP’s FAQs explain:

[S]ince the new VETS-4212 report no longer requires contractors to provide this information by the individual protected veteran categories, contractors are not required to invite self-identification by category in order to comply with **VEVRAA**’s post-offer invitation requirement. Rather, contractors need only invite those offered a job to indicate whether they are protected veterans under any of the VEVRAA categories.

Though not required, contractors may choose to continue to invite applicants to voluntarily self-identify the specific category or categories of protected veteran to which they belong at the post-offer stage ...

This raises yet another question – Is there any benefit to collecting information on the specific protected veteran categories now that it’s not required? In answering this question you should weigh the risks in collecting the information against any benefit from gathering the information given there is no longer any obligation to collect it.

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