

Listing vs. Posting Qualified Job Openings: What is Actually Required of Contractors?

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There seems to be an ongoing misconception that federal contractors are required to post qualified job openings with the nearest State Employment Service office. The misconception arises from an affirmative action obligation that is required under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (also referred to as VEVRAA). Pursuant to 41 C.F.R. §60-300.5, federal contractors are required to "list" qualified job openings with the appropriate employment service delivery system. Positions that are exempt from this listing requirement include those that are:

- Part of an executive or top management group
- Lasting 3 days or less
- Filled internally (within the contractor's organization)

We asked Candee Chambers, VP of Compliance and Partnerships at DirectEmployers Association, to provide clarification on this requirement:

*"Job postings have **never** been required in the regulations – old or new. Unfortunately, most federal contractors are unaware of this and scramble to show a photocopy of a job posting when requested by the OFCCP during an audit...Federal contractors need to be aware that requests for 'job postings' should be questioned and such requests only need to be met with proof of '**job listings**' or '**job delivery**' to the State Workforce Agencies or ESDS's..."*

Our recommendation is to retain records once you list all qualified job openings with the appropriate employment service delivery system. These records can range from an electronic read receipt or email correspondence from the state's point of contact to a screenshot of one of the job listings on the state's website.