



Companies Search for Alternatives As Deadline Approaches for the Termination of America's Job Bank

Last year the US Department of Labor (DOL) announced that the agency would discontinue funding for America's Job Bank (AJB), a nationwide government-sponsored Internet-based electronic job board, and terminate the service on **June 30, 2007**. As the termination date approaches, companies are looking for an alternative resource.

Job Listing Requirements

For companies that are federal government contractors, AJB has played an important role in enabling them to meet the mandatory job listing requirement of the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). Under VEVRAA, federal contractors are required to list their job openings that will be filled from outside the company with the appropriate local state employment service office. The job listing requirement applies to all job openings with the exception of executive or top management jobs, positions filled from within the organization, and jobs lasting three days or less. However, listing the job openings on AJB was deemed by the Office of Federal Contract Compliance Programs (OFCCP) to meet the mandatory job listing requirements. OFCCP, an agency within the DOL, is responsible for enforcing the VEVRAA job listing requirements.

What's A Contractor To Do?

With the demise of AJB, companies are faced with the prospect of having to satisfy the VEVRAA job listing requirements by going back to the pre-AJB days, and listing their job openings with the state employment service office closest to the area where each job opening exists. While this is neither efficient nor cost-effective, it may be the only way for contractors to fulfill their VEVRAA compliance obligations.

DOL/OFCCP Response

To date, neither the DOL nor OFCCP has proposed a solution that would retain the current AJB, or create a replacement service that would receive OFCCP's approval as a resource that contractors could use to list their job openings and meet the VEVRAA job listing requirements. OFCCP currently is considering regulations to implement the provisions of the JVA, including the mandatory job listing requirement. In a recent public meeting with representatives of contractor companies, OFCCP hinted at creating a rule that would allow contractors to meet the job listing requirement by listing openings with one job service office per state rather than the 'local' job service office. For contractors with multiple locations, this would allow them to touch fewer job service offices to comply with the job listing requirements than what would be required under a more strict enforcement scheme. The agency also indicated that the final JVA regulations will be issued "soon".

3RD Party Options

Navisite, the company that produced and currently hosts the AJB web site, has stated its intention to continue AJB and enhance the features of the site. Other companies are also in the marketplace offering to provide a similar service to contractors. All of these vendors will be charging a fee for providing this service. Before signing up with any of these vendors, companies should exercise great care to be sure what it is that they are buying.

At this time, neither DOL nor OFCCP has indicated that it will "approve" another company to be the resource for meeting the VEVRAA job listing requirement for contractors. In the absence of such an approval, the VEVRAA/JVA requirement is that contractors list their job openings directly with the appropriate state employment service office. So, any third party vendor would have to provide exactly that service in order to assist you in complying with the VEVRAA requirement.

As you consider your compliance options, we at Gerstco are available to discuss these issues with you and answer your questions.

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