

http://www

# Special Report for HR Professionals

September 11, 2009  
Number 512

The Management Advantage, Inc., PO Box 3708, Walnut Creek, CA 94598  
www.hrwebstore.com newsletter@management-advantage.com 925-671-0404

## VETS-100 or VETS-100A?

### INSIDE THIS ISSUE

- 1 VETS-100 or VETS-100A?
- 2 OSHA Puts Fraudulent Private Trainers on Watch List
- 3 *What Color is Your Paradigm?*
- 3 Potpourri
- 4 What is I-9 Document Abuse?
- 4 Subscriptions...

For the first time, Federal contractors are required to submit one of two reports and, in some rare cases, an employer will have to submit two reports.

As in past years, *The Vietnam Era Veterans' Readjustment Assistance Act of 1974, (VEVRAA)* and its implementing regulations at 41 CFR part 61-250 required contractors and subcontractors with Federal contracts who entered into a Federal contract prior to December 1, 2003, and in excess of \$25,000, to submit the VETS-100 Report that identifies four specified categories: veterans of the Vietnam era; special disabled veterans; other protected veterans; and recently separated veterans.

With the implementation of the Final Regulation at 20 Code of Federal Regulations part 61-300, amended *VEVRAA* reporting requirements for contracts entered on or after December 1, 2003; and those contract of \$100,000 or greater that were modified on or after December 1, 2003.

These changes (1) raise the reporting threshold from \$25,000 to \$100,000, and (2) modify the veterans' categories in the report. The JVA modified the report categories of veterans to: disabled veterans, other protected veterans, Armed Forces service medal veterans, and recently separated veterans (41 CFR 61.300).

*The deadline for the VETS-100 Report and the VETS-100A Report are September 30, 2009.*

If you have not yet registered to get your password, you may do so on-line at <http://www.dol.gov/vets/programs/fcp/main.htm>

Don't miss the deadline. Give yourself sufficient time between registering and the deadline so the government can process your registration.

*9/11/2001 – We shall never forget.*

## OSHA PUTS FRAUDULENT PRIVATE TRAINERS ON WATCH LIST

OSHA is now publishing a list of fraudulent private trainers. Before hiring anyone to conduct safety training for your organization, check the list of bad actors.

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), in an effort to crack down on fraudulent trainers, is continuing to strengthen the integrity of its 36-year-old Outreach Training Program by publishing an "Outreach Trainer Watch List" of those who have had their trainer authorizations either revoked or suspended.

The agency's voluntary outreach program has grown to a national network of more than 16,000 independent trainers eligible to teach workers and employers about workplace hazards and provide OSHA 10-hour course completion cards. The program's success has prompted some states and cities to legislate a requirement that workers complete training to earn an OSHA 10-hour card as a condition of employment.

To be authorized as an OSHA-qualified instructor, trainers must complete a one-week OSHA trainer course through an OSHA Training Institute Education Center. Once that is completed, the trainers are then eligible to teach 10-hour programs that provide basic information to workers and employers about workplace hazards and OSHA, and 30-hour courses in construction, maritime and general industry safety and health hazards.

"Trainers who fail to provide appropriate safety training will pay a stiff price for their fraudulent behavior," said Jordan Barab, acting assistant secretary of labor for OSHA. "A tighter record control procedure has been instituted requiring trainers to sign their reports and certify the class was conducted in accordance with OSHA guidelines. Trainers face civil and criminal penalties under federal law if reports or certifications are found to have been falsified."

You can get a PDF copy of OSHA's Outreach Training Program guidelines for construction or general industry by going to [http://www.osha.gov/dte/outreach/construction\\_generalindustry/guidelines.html](http://www.osha.gov/dte/outreach/construction_generalindustry/guidelines.html)

So far, four people have been placed on the "Watch List" having either had their certification revoked or suspended by OSHA.

Before you hire anyone to conduct safety training in your organization, spend a few seconds on the Internet and investigate the "Watch List" to see if your consultant or attorney is listed as someone who didn't follow the rules. You will find it at

[http://www.osha.gov/dte/outreach/construction\\_generalindustry/watchlist.html](http://www.osha.gov/dte/outreach/construction_generalindustry/watchlist.html)

The public is asked to call a new outreach fraud hotline at 847-297-4810 to file complaints about program fraud and abuse.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★  
Sponsored by  
**Employee Retention  
Manager**

Special Free Report  
**5 Employee Retention  
Strategies Outstanding  
Employers Use**  
Plus...Free retention  
newsletter.

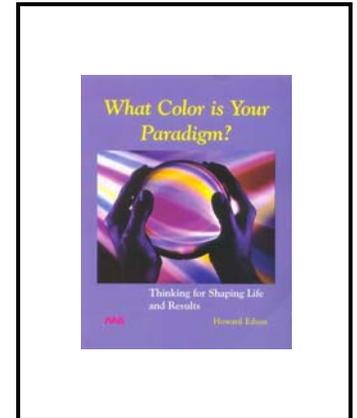
<http://www.EmployeeRetentionManager.com>

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

## What Color is Your Paradigm?

A guide to the practical application of the mechanics of consciousness. This book illuminates the central role that our paradigm (personal history, survival and coping frames, attitudes, beliefs, feelings) plays in determining our experience, and offers multiple approaches to realizing **breakthroughs in thinking that have led thousands of corporate workshop participants to achieve results (by their own definition).**

<http://www.management-advantage.com/products/Paradigm.htm>



## POTPOURI

- **U.S. Department of Labor – Employment Standards Administration**

The Bureau of National Affairs (BNA) has disclosed that the DOL will abolish the Employment Standards Administration (ESA) on November 8, 2009. All four agencies within the ESA will then report directly to the Secretary of Labor. A memorandum was sent to all ESA employees on July 8<sup>th</sup> by Shelby Hallmark, the acting assistant labor secretary for employment standards.

- **OFCCP Active Case Management Does Not Apply to Audits Under ARRA**

All supply and service contractors that have contracts under the *American Recovery and Reinvestment Act of 2009 (ARRA)* will experience full compliance evaluations if they are selected for audit. These audits will include full desk audit and on-site reviews, even if there are no “indicators” of systemic discrimination revealed in the desk audit.

No more than 25 establishments will be scheduled for audit within any given contractor’s organization in a given year. Once completed successfully, an establishment will not undergo another audit for at least two years.

[http://www.dol.gov/esa/ofccp/arra\\_data/ARRA\\_Directive\\_Transmittal288.pdf](http://www.dol.gov/esa/ofccp/arra_data/ARRA_Directive_Transmittal288.pdf)

- **New Poster Requirement for E-Verify Participants**

Meet federal requirements with our laminated sheet that contains both English and Spanish language versions of the two posters required. See them at

<http://www.hrwebstore.com/products/posters/E-VerifyCombo.htm>

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Sponsored by  
**Merit Resource Group**

Effective business decisions and human resources decisions go hand-in-hand. Merit Resource Group helps its clients create this synergy by providing HR expertise to match unique company needs.

<http://www.merithr.com>

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

## WHAT IS I-9 DOCUMENT ABUSE?

“Document abuse” refers to discriminatory practices related to the verification of employment eligibility in the Form I-9 process. Employers who treat individuals differently based on national origin or citizenship commit document abuse when they engage in one of four types of activity:

- Improperly requesting employees produce more documentation than is required to show identity and employment authorization.
- Improperly asking employees to produce a particular document to show identity or employment eligibility.
- Improperly rejecting documents that appear to be genuine and belonging to the employee.
- Improperly treating groups of applicants differently (e.g., based on looking or sounding foreign) when they complete the Form I-9.

All individuals authorized to be employed can file a claim under the document abuse rules if an employer has four or more employees.

[SOURCE: *Siskind's Immigration Bulletin*, August 14, 2009, <http://www.visalaw.com> , 800-684-1267]

## Subscriptions...

You are welcome to forward this message, in its entirety, to anyone you believe would benefit from receiving it. You may not post this message or its contents on a web page for further distribution. We encourage new subscribers and are pleased to continue our offer of FREE distribution for these SPECIAL REPORTS. An archive of our newsletters can be found on our web site. Just look for "Newsletters" then select "Gentle Readers."

<http://www.hrwebstore.com/>

Special Reports for HR Professionals are only available to our newsletter subscribers. However, you may receive a copy from one of your professional colleagues or friends. Please check the origin address to be sure.



### The Management Advantage, Inc.

PO Box 3708  
Walnut Creek, CA 94598  
925-671-0404

©2009 - All Rights Reserved

[www.hrwebstore.com](http://www.hrwebstore.com)

Editor: William H. Truesdell, SPHR

[billt@management-advantage.com](mailto:billt@management-advantage.com)

**Privacy Policy:** Our subscriber list is considered confidential information. We do not sell or rent our subscriber or customer lists to anyone else. Your privacy is our primary concern. If you ever wish to unsubscribe, please click on the "unsubscribe" link at the bottom of each email message. If you would like to SUBSCRIBE to our FREE publications, please register your subscription by going to

[www.hrwebstore.com/newsletr/newsletr.html](http://www.hrwebstore.com/newsletr/newsletr.html)



**Protect your federal revenues. Let us help you update your affirmative action plan. Call us today for a no-obligation estimate.**