

FEDERAL RESERVE BANK
OF NEW YORK
Fiscal Agent of the United States

[Circular No. 7341]
February 11, 1974]

EMPLOYMENT OF DISABLED AND VIETNAM ERA VETERANS
Amendments to Treasury Department Circulars Nos. 92 and 1079

To All Banking Institutions, and Others Concerned,
in the Second Federal Reserve District:

The following is an excerpt from a Treasury Department letter addressed to this Bank:

To implement the provisions of Public Law 92-540, 38 U.S.C. 2012, and Executive Order 11701 of January 24, 1973, 38 FR 2675, the U.S. Department of Labor ruled (38 FR 2968) that there is to be included in every contract for \$2,500 or more for non-personal services a provision that the contractor, in order to provide special emphasis to the employment of qualified disabled and Vietnam era veterans, list at an appropriate local office of the state employment service all suitable employment openings. To apply these regulations to banks maintaining Treasury tax and loan accounts, the Department of the Treasury amended the depositary contract provisions of 31 CFR Part 203 (Department Circular No. 92) by regulations published December 12, 1973, 38 FR 34181. This Department also utilized this amendatory action to amend the depositary contract provisions to include specific reference to the amendment of the Equal Employment Opportunity Executive Order 11246 by Executive Order 11375, which prohibits discrimination in employment on grounds of sex.

Enclosed are copies of the following documents, reflecting this ruling:

- (a) Amendment No. 3, dated January 2, 1974, to Treasury Department Circular No. 92 (Second Revision), "Regulations Governing Special Depositaries of Public Money."
- (b) Amendment No. 1, dated January 2, 1974, to Treasury Department Circular No. 1079 (First Revision), "Regulations Governing the Deposit of Federal Taxes with Depositary Banks and Federal Reserve Banks."

In addition, printed on the following pages is an excerpt from the *Federal Register* of April 17, 1973, containing the text of provisions of the General Services Administration regulations on the employment of disabled and Vietnam era veterans.

Additional copies of this circular and its enclosures will be furnished upon request.

ALFRED HAYES,
President.

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

EMPLOYMENT OF DISABLED AND VIETNAM ERA VETERANS

This amendment of the Federal procurement regulations revises subpart 1-12.11 relating to the listing of employment openings by Government contractors and subcontractors in order to give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era. The amendment implements provisions of Public Law 92-540, approved October 24, 1972, Executive Order 11701, dated January 24, 1973, and rules and regulations of the Secretary of Labor issued pursuant thereto (41 CFR 50-250, 38 FR 2968, Jan. 31, 1973). It provides for the inclusion of a contract clause in all procurement contracts and first-tier subcontracts which requires Government contractors and subcontractors to offer for listing at an appropriate local office of the Federal-State employment service system all employment openings which occur at their facilities.

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.2—Solicitation of Bids

Section 1-2.201 is amended to revise paragraph (a) (30), as follows:

§ 1-2.201 Preparation of invitations for bids.

* * * * *

(a) * * *

(30) The following provision regarding the employment of qualified disabled veterans and veterans of the Vietnam era shall be placed on the face of the invitation for bids or on a cover sheet where awards in the amount of \$2,500 or more may result:

LISTING OF EMPLOYMENT OPENINGS

Bidders and offerors should note that this solicitation includes a provision requiring the listing of employment openings with the local office of the Federal-State employment service system where a contract award is for \$2,500 or more.

PART 1-12—LABOR

The table of contents is changed to provide a revised entry as follows:

Sec.
1-12.1102-4 Inquiries on listing requirements.

Subpart 1-12.11 is revised to read as follows:

Subpart 1-12.11—Listing of Employment Openings

§ 1-12.1100 Scope of subpart.

This subpart sets forth policies and procedures relating to manpower requirements for Federal contractors and subcontractors and implements Public Law 92-540, approved October 24, 1972 (86 Stat. 1097; 38 U.S.C. 2012), Execu-

tive Order 11701, dated January 24, 1973, and rules and regulations of the Secretary of Labor issued pursuant thereto (41 CFR 50-250, 38 FR 2968, Jan. 31, 1973) concerning employment opportunities with Federal contractors and subcontractors, with special emphasis on the employment of qualified disabled veterans and veterans of the Vietnam era.

§ 1-12.1101 General.

Executive agencies shall cooperate with and encourage contractors and subcontractors to utilize to the fullest extent practicable the U.S. Employment Service (USES) and its affiliated local State employment service offices in meeting the contractors' and subcontractors' manpower (labor supply) requirements to staff new or expanding facilities, including the recruitment of workers in all occupations and skills both from local labor market areas and through the Federal-State manpower clearance system. Local State employment service offices are operated in every State and in the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands. In addition to providing recruitment assistance to contractors and subcontractors who need and desire it, cooperation with the local State employment service offices will further the national program of maintaining continuous assessment of manpower requirements and resources on a national local basis.

§ 1-12.1102 Listing of employment openings.

§ 1-12.1102-1 Policy.

In order to give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, Government contractors and first-tier subcontractors shall list all of their suitable employment openings with the appropriate local office of the State employment service system as required by Public Law 92-540, approved October 24, 1972 (86 Stat. 1097; 38 U.S.C. 2012), Executive Order 11701, dated January 24, 1973, and the rules and regulations of the Secretary of Labor issued pursuant thereto (41 CFR 50-250, 38 FR 2968, Jan. 31, 1973).

§ 1-12.1102-2 Clause.

Unless otherwise provided in this subpart, executive agencies shall include, either directly or by reference, the contract clause prescribed by this § 1-12.1102-2 in (a) all invitations for bids and requests for proposals for the procurement of personal property and nonpersonal services (including construction), and (b) all contracts for the procurement of personal property and nonpersonal services (including construction), including contracts resulting from unsolicited proposals, where it is anticipated that a contract will be for \$2,500 or more.

LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR 50-250 if this contract is for \$2,500 or more.)

(a) The contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required: *Provided*, That if this contract is for less than \$10,000 or if it is with a State or local government the reports set forth in paragraphs (c) and (d) are not required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment service or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. This listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in any statutes, Executive orders, or regulations regarding nondiscrimination in employment.

(c) The reports required by paragraph (a) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one establishment in a State, with the central office of the State employment service. Such reports shall indicate for each establishment (i) the number of individuals who were hired during the reporting period, (ii) the number of those hired who were disabled veterans, and (iii) the number of those hired who were nondisabled veterans of the Vietnam era. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made under this contract. The contractor shall maintain copies of the reports submitted until the expiration of 1 year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor.

(d) Whenever the contractor becomes contractually bound by the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the contractor is contractually bound to these provisions and has so advised the State employment system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(e) This clause does not apply to the listing of employment openings which occur and are filed outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organi-

UNITED STATES TREASURY DEPARTMENT
Fiscal Service, Bureau of Accounts

Regulations Governing the Deposit of Federal Taxes with
Depositary Banks and Federal Reserve Banks
Department Circular No. 1079 (First Revision)
Revised December 13, 1967
Amendment No. 1

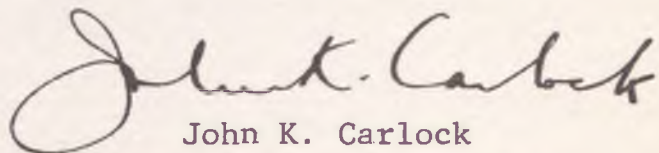
Department Circular No. 1079 (First Revision), dated
December 13, 1967, is hereby amended, effective January 1,
1974, as follows:

1. By changing Subsection 214.5(c) to read as follows:

"(c) Agreement--Receipt by a depositary of notice of approval of its application by the Federal Reserve Bank completes the depositary's qualification and creates an agreement between it and the Treasury Department under which the depositary agrees to be bound by all the terms and provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375."

2. By changing Subsection 214.5(d) to read as follows:

"(d) Existing agreements--Existing agreements between depositaries and the Treasury Department shall continue in effect without further action until terminated. A depositary which accepts a deposit of Federal taxes under an existing agreement thereby agrees to be bound by all the terms and provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375."



John K. Carlock
Fiscal Assistant Secretary

DATED: January 2, 1974

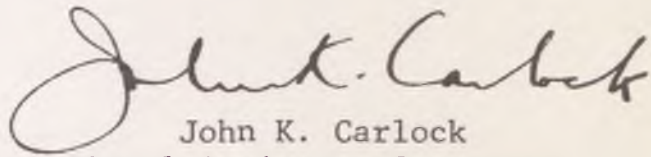
UNITED STATES TREASURY DEPARTMENT
Fiscal Service, Bureau of Accounts

Regulations Governing Special Depositories of Public Money
Department Circular No. 92 (Second Revision)
Revised October 9, 1967
Amendment No. 3

Department Circular No. 92 (Second Revision), dated October 9, 1967, as amended, is hereby further amended, effective January 1, 1974, as follows:

1. By changing Section 203.4 to read as follows:

"A special depository which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the General Services Administration regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Subpart 1-12.11, except that depositories which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than \$2,500 are exempt from the application of the General Services Administration regulations."



John K. Carlock
Fiscal Assistant Secretary

DATED: January 2, 1974

zation or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than \$18,000 per year. The term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's own organization (including any affiliates, subsidiaries, and parent companies), and includes any openings which the contractor proposes to fill from regularly established "recall" or "re-hire" lists.

(4) "Openings which the contractor proposes . . . to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(5) "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at 30 percentum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person (A) who (i) served on active duty with the Armed Forces for a period of more than 180 days, any part of which occurred after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-connected disability if any part of such duty was performed after August 5, 1964, and (B) who was so discharged or released within the 48 months preceding his application for employment covered by this clause.

(h) If any disabled veteran or veteran of the Vietnam era believes that the contractor (or any first-tier subcontractor) has failed or refuses to comply with the provisions of this contract clause relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the veterans' employment representative at a local State employment service office who will attempt to informally resolve the complaint and then refer the complaint with a report on the attempt to resolve the matter to the State office of the Veterans' Employment Service of the Department of Labor. Such complaint shall then be promptly referred through the Regional Manpower Administrator to the Secretary of Labor who shall investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of this contract and the laws and regulations applicable thereto.

(i) The contractor agrees to place this clause (excluding this paragraph (i)) in any subcontract directly under this contract.

§ 1-12.1102-3 Deviations.

Under the most compelling circumstances such as situations where the needs of the Government cannot reason-

ably be otherwise supplied, where listing of employment openings would be contrary to national security, or where the requirement of listing would otherwise not be in the best interests of the Government, a deviation from this subpart may be made, subject to the approval of the Secretary of Labor. Requests for any such deviations shall be addressed to the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, or to the Regional Manpower Administrator of the U.S. Department of Labor of the region wherein the contract is to be signed, and shall set forth the reasons for the request.

§ 1-12.1102-4 Inquiries on listing requirements.

Contractors with inquiries regarding listing requirements shall be advised that such inquiries should be submitted to the appropriate Regional Manpower Administrator of the U.S. Department of Labor.

§ 1-12.1102-5 Failure to comply.

Upon notice that a contractor or any of his first-tier subcontractors has failed to comply with the provisions of the Listing of Employment Openings clause in § 1-12.1102-2, the contracting officer shall take such action as may be appropriate under the default provisions of the contracts concerned.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date.—These regulations shall be effective May 30, 1973, but may be observed earlier.

Dated April 10, 1973.

ARTHUR F. SAMPSON,
*Acting Administrator of
General Services.*

[FR Doc.73-7358 Filed 4-16-73;8:45 am]