

PART 61-250—ANNUAL REPORT FROM FEDERAL CONTRACTORS

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AUTHORITY: 38 U.S.C. 2012(d).

SOURCE: 52 FR 6677, Mar. 4, 1987, unless otherwise noted.

§ 61-250.1 Purpose and scope.

(a) This Part 61-250 implements 38 U.S.C. 2012(d). Each contractor or subcontractor who enters into a contract in the amount of \$10,000 or more with any department or agency of the United States for the procurement of personal property and non-personal services (including construction) to whom 38 U.S.C. 2012(a) and 41 CFR Part 60-250 apply, shall submit a report according to requirements of § 61-250.10 of this part.

(b) Except as noted in § 61-250.10 of this part, this part does not revise or replace the regulations in force at 41 CFR 60-250 which apply to veterans' affirmative action obligations of contractors and subcontractors administered by the Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, Department of Labor.

(c) Veterans' reporting requirements of this part will be deemed waived in those instances where the Director, OFCCP has granted a waiver under 41 CFR 60-250.3(a)(5), or concurred in granting a waiver under 41 CFR 60-250.3(b), from compliance with all of the terms of the affirmative action clause for those establishments not involved in government contract work. Where OFCCP grants only a partial waiver, compliance with veterans' reporting will be required.

§ 61-250.2 Definitions.

(a) For purposes of this part, and unless otherwise indicated in paragraph (b) of this section, the terms set forth in this part shall have the same meaning as set forth in 41 CFR Part 60-250.

(b) For purposes of this part:

(1) *Hiring location* (identical to *establishment* as defined by the instructions for completing Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1) means an economic unit which produces goods or services, such as a factory, office, store, or mine. In most instances the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity (definition adapted from the 1972 Standard Industrial Classification Manual). Units at different physical locations, even though engaged in the same kind of business operation should be reported as separate establishments. For locations involving construction, transportation, communications, electric, gas, and sanitary services, oil and gas fields, and similar types of physically dispersed industrial activities, however, it is not necessary to list separately each individual site, project, field, line, etc., unless it is treated by the contractor as a separate legal entity with a separate Employer Identification Number. For these types of activities, list as establishments only those relatively permanent main or branch offices, terminals, stations, etc., which are either (a) directly responsible for supervising such dispersed activities, or (b) the base from which personnel and equipment operate to carry out these activities. (Where these dispersed activities cross State lines, at least one such *establishment* should be listed for each State involved.)

(2) *Employee* means any individual on the payroll of an employer who is an employee for purposes of the employer's withholding of Social Security taxes except insurance salesmen who are considered to be employees for such purposes solely because of the provisions of section 3121(d)(3)(B) of the Internal Revenue Code. The term *employee* shall not include persons who are hired on a casual basis for a specified time, or for the duration of a specified job, and work on remote or scattered sites or locations where it is not practical or feasible for the employer to make a visual survey of the work force within the report period; for example, persons at a construction site

whose employment relationship is expected to terminate with the end of the employee's work at the site; persons temporarily employed in any industry other than construction, such as mariners, stevedores, waiters/waitresses, movie extras, agricultural laborers, lumber yard workers, etc., who are obtained through a hiring hall or other referral arrangement, through an employee contractor or agent, or by some individual hiring arrangement; or persons on the payroll of a temporary service agency who are referred by such agency for work to be performed on the premises of another employer under that employer's direction and control.

(3) *Job category* means any of the following: Officials and managers, professionals, technicians, sales workers, office and clerical, craft workers (skilled), operatives (semi-skilled), laborers (unskilled), service workers, as required by Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1, as defined below:

(i) *Officials and managers* means occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation. Includes: Officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains and mates (except fishing boats), farm operators and managers, and kindred workers.

(ii) *Professional* means occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: Accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, surveyors, teachers, and kindred workers.

(iii) *Technicians* means occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: Computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.

(iv) *Sales* means occupations engaging wholly or primarily in direct selling. Includes: Advertising agents and salesworkers, insurance agents and brokers, real estate agents and brokers, stock and bond salesworkers, demonstrators, salesworkers and sales clerks, grocery clerks and cashier-checkers and kindred workers.

(v) *Office and clerical* includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.

(vi) *Craft Workers (skilled)* means manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Included are: The building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors, arts occupations, handpainters, coaters, decorative and kindred workers.

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(vii) *Operatives (semiskilled)* means workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: Apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dressmakers and sewers (except factory), dryers, furnace workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painter (except construction and maintenance), photographic process workers, stationary firefighters, truck and tractor drivers, weavers (textile), welders and flamecutters, electrical and electronic equipment assemblers, butchers and meatcutters, inspectors, testers and graders, handpackers and packagers, and kindred workers.

(viii) *Laborers (unskilled)* means workers in manual occupations which generally require no special training to perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

(ix) *Service Workers* means workers in both protective and non-protective service occupations. Includes: Attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, charworkers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection, guards, doorkeepers, stewards, janitors, police officers and detectives, porters, servers, amusement and recreation facilities attendants, guides, ushers, public transportation attendants and kindred workers.

(4) *Special disabled veteran* means—

(i) A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans Administration for a disability

(A) Rated at 30 percent or more, or

(B) Rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of Title 38, U.S.C., to have a serious employment handicap; or

(ii) A person who was discharged or released from active duty because of service-connected disability.

(5) *Veteran of the Vietnam era* means a veteran, any part of whose active military, naval or air service was during the period August 5, 1964, through May 7, 1975, who—

(i) Served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or

(ii) Was discharged or released from active duty because of a service-connected disability. No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991.

(6) *OFCCP* means the Office of Federal Contract Compliance Programs in the Employment Standards Administration of the U.S. Department of Labor.

(7) *OASVET* means the Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor.

[52 FR 6677, Mar. 4, 1987; 52 FR 13674, Apr. 24, 1987]

§ 61-250.10 Reporting requirements contract clause.

Each contractor or subcontractor described in §61-250.1 of this part shall submit reports in accordance with the following reporting clause which shall be included in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract). Such clause is considered as an addition to the affirmative action clause required by 41 CFR 60-250.4, the provisions of which continue in force until otherwise revised or amended by the OFCCP. The reporting requirements clause is as follows: