

## **Pt. 1011**

## **20 CFR Ch. IX (4–1–23 Edition)**

(i) The covered and non-covered person status of all persons receiving services;

(ii) The types of services provided to covered and non-covered persons;

(iii) The dates that services were received by covered and non-covered persons; and;

(iv) The employment outcomes experienced by covered and non-covered persons receiving services.

(2)(i) Except as provided in paragraph (c)(2)(ii) of this section, for persons receiving services, recipients must apply the definitions set forth in §1010.110 to distinguish covered from non-covered persons receiving services and, within covered persons, to distinguish veterans from eligible spouses.

(ii) Until qualified job training programs adopt the definitions for covered and non-covered persons set forth at §1010.110 through the publication of requirements pursuant to the Paperwork Reduction Act, recipients must collect data on the services provided to and the outcomes experienced by veterans (however defined) and non-veterans receiving services in accord with regulations, policies and currently approved information collections.

(d) All information must be stored and managed in a manner that ensures confidentiality.

### **PART 1011—HIRE VETS MEDALLION PROGRAM**

#### **Subpart A—General Provisions**

Sec.

1011.000 What is the HIRE Vets Medallion Program?

1011.005 What definitions apply to this part?

1011.010 Who is eligible to apply for a HIRE Vets Medallion Award?

1011.015 What are the different types of the HIRE Vets Medallion Awards?

#### **Subpart B—Award Criteria**

1011.100 What are the criteria for the large employer HIRE Vets Medallion Award?

1011.105 What are the criteria for the medium employer HIRE Vets Medallion Award?

1011.110 What are the criteria for the small employer HIRE Vets Medallion Award?

1011.115 Is there an exemption for certain large employers from the dedicated human resources professional criterion

for the large employer platinum HIRE Vets Medallion Award?

1011.120 Under what circumstances will VETS find an employer ineligible to receive a HIRE Vets Medallion Award for a violation of labor law?

#### **Subpart C—Application Process**

1011.200 How will VETS administer the HIRE Vets Medallion Award process?

1011.205 What is the timing of the HIRE Vets Medallion Award process?

1011.210 How often can an employer receive the HIRE Vets Medallion Award?

1011.215 How will the employer complete the application for the HIRE Vets Medallion Award?

1011.220 How will VETS verify a HIRE Vets Medallion Award application?

1011.225 Under what circumstances will VETS conduct further review of an application?

1011.230 Under what circumstances can VETS deny or revoke an award?

#### **Subpart D—Fees and Caps**

1011.300 What are the application fees for the HIRE Vets Medallion Award?

1011.305 May VETS set a limit on how many applications will be accepted in a year?

#### **Subpart E—Design and Display**

1011.400 What does a successful applicant receive?

1011.405 What are the restrictions on display and use of the HIRE Vets Medallion Award?

#### **Subpart F—Requests for Reconsideration**

1011.500 What is the process to request reconsideration of a denial or revocation?

#### **Subpart G—Record Retention**

1011.600 What are the record retention requirements for the HIRE Vets Medallion Award?

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### **Subpart A—General Provisions**

#### **§ 1011.000 What is the HIRE Vets Medallion Program?**

The HIRE Vets Medallion Program is a voluntary employer recognition program administered by the Department of Labor's Veterans' Employment and Training Service. Through the HIRE

Vets Medallion Program, the Department of Labor solicits voluntary applications from employers for the HIRE Vets Medallion Award. The purpose of this award is to recognize efforts by applicants to recruit, employ, and retain veterans and to provide services supporting the veteran community.

**§ 1011.005 What definitions apply to this part?**

*Active Duty in the United States National Guard or Reserve* means active duty as defined in 10 U.S.C. 101(d)(1).

*Dedicated human resources professional* means either a full-time professional or the equivalent of a full-time professional dedicated exclusively to supporting the hiring, training, and retention of veteran employees. Two half-time professionals, for example, are equivalent to one full-time professional.

*Employee* means any individual for whom the employer furnishes an IRS Form W-2, excluding temporary workers.

*Employer* means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employee opportunities, except for the Federal Government or any State or foreign government. For the purposes of this regulation, VETS will recognize employers based on the Employer Identification Number, as described in 26 CFR 301.7701-12, used to furnish an IRS Form W-2 to an employee. However, in the case of an agent designated pursuant to 26 CFR 31.3504-1, a payor designated pursuant to 26 CFR 31.3504-2, or a Certified Professional Employer Organization recognized pursuant to 26 U.S.C. 7705, the employer shall be the common law employer, client, or customer, respectively, instead of the entity that furnishes the IRS Form W-2.

*Human Resources Veterans' Initiative* means an initiative through which an employer provides support for hiring, training, and retention of veteran employees.

*Post-secondary education* means post-secondary level education or training courses that would be acceptable for credit toward at least one of the following: associate's or bachelor's degree or higher, any other recognized post-

secondary credential, or an apprenticeship.

*Salary* means an employee's base pay.

*Temporary worker* means any worker hired with the intention that the worker be retained for less than 1 year and who is actually retained for less than 1 year.

*Veteran* has the meaning given such term under 38 U.S.C. 101.

*VETS* means the Veterans' Employment and Training Service of the Department of Labor.

**§ 1011.010 Who is eligible to apply for a HIRE Vets Medallion Award?**

All employers who employ at least one employee are eligible to apply for a HIRE Vets Medallion Award. To qualify for a HIRE Vets Medallion Award, an employer must satisfy all application requirements.

**§ 1011.015 What are the different types of the HIRE Vets Medallion Awards?**

(a) There are three different categories of the HIRE Vets Medallion Award:

(1) *Large Employer Awards* for employers with 500 or more employees.

(2) *Medium Employer Awards* for employers with more than 50 but fewer than 500 employees.

(3) *Small Employer Awards* for employers with 50 or fewer employees.

(4) *Timing*. The correct category of award is determined by the employer's number of employees as of December 31 of the year prior to the year in which the employer applies for an award.

(b) Within each award category, there are two levels of award:

(1) A Gold Award; and

(2) A Platinum Award.

**Subpart B—Award Criteria**

**§ 1011.100 What are the criteria for the large employer HIRE Vets Medallion Award?**

(a) *Gold Award*. To qualify for a large employer gold HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a large employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

## § 1011.105

## 20 CFR Ch. IX (4-1-23 Edition)

(3) Veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year;

(4) The employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(5) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

(6) The employer has established programs to enhance the leadership skills of veteran employees during their employment.

(b) *Platinum Award.* To qualify for a large employer platinum HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a large employer as specified in §1011.015 of this part;

(2) The employer is not found ineligible under §1011.120 of this part;

(3) Veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year;

(4) The employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(5) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring;

(6) The employer has established programs to enhance the leadership skills of veteran employees during their employment;

(7) The employer employs a dedicated human resources professional as defined in §1011.005 of this part to support hiring, training, and retention of veteran employees;

(8) The employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined

level of income commensurate with the employee's salary prior to undertaking active duty; and

(9) The employer has a tuition assistance program to support veteran employees' attendance in post-secondary education during the term of their employment.

### § 1011.105 What are the criteria for the medium employer HIRE Vets Medallion Award?

(a) *Gold Award.* To qualify for a medium employer gold HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a medium employer per §1011.015 of this part;

(2) The employer is not found ineligible under §1011.120 of this part;

(3) The employer has achieved at least one of the following:

(i) Veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which the employer applies for the HIRE Vets Medallion Award, at least 7 percent of the employer's employees were veterans; and

(4) The employer has at least one of the following forms of integration assistance:

(i) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; or

(ii) The employer has established programs to enhance the leadership skills of veteran employees during their employment.

(b) *Platinum Award.* To qualify for a medium employer platinum HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a medium employer as specified in §1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

(3) The employer has achieved at least one of the following:

(i) Veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which the employer applies for the HIRE Vets Medallion Award, at least 10 percent of the employer's employees were veterans;

(4) The employer has the following forms of integration assistance:

(i) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

(ii) The employer has established programs to enhance the leadership skills of veteran employees during their employment; and

(5) The employer has at least one of the following additional forms of integration assistance:

(i) The employer has established a human resources veterans' initiative;

(ii) The employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty; or

(iii) The employer has a tuition assistance program to support veteran employees' attendance in post-secondary education during the term of their employment.

**§ 1011.110 What are the criteria for the small employer HIRE Vets Medallion Award?**

(a) *Gold Award.* To qualify for a small employer gold HIRE Vets Medallion

Award, an employer must satisfy all of the following criteria:

(1) The employer is a small employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part; and

(3) The employer has achieved at least one of the following:

(i) Veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which the employer applies for the HIRE Vets Medallion Award, at least 7 percent of the employer's employees were veterans.

(b) *Platinum Award.* To qualify for a small employer platinum HIRE Vets Medallion Award, an employer must satisfy all of the following criteria:

(1) The employer is a small employer as specified in § 1011.015 of this part;

(2) The employer is not found ineligible under § 1011.120 of this part;

(3) The employer has achieved at least one of the following:

(i) Veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year; or

(ii) The employer has achieved both of the following:

(A) The employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired; and

(B) On December 31 of the year prior to the year in which the employer applies for the HIRE Vets Medallion Award, at least 10 percent of the employer's employees were veterans; and

(4) The employer has at least two of the following forms of integration assistance:

## § 1011.115

## 20 CFR Ch. IX (4-1-23 Edition)

(i) The employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring;

(ii) The employer has established programs to enhance the leadership skills of veteran employees during their employment;

(iii) The employer has established a human resources veterans' initiative;

(iv) The employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty;

(v) The employer has a tuition assistance program to support veteran employees' attendance in post-secondary education during the term of their employment.

### **§ 1011.115 Is there an exemption for certain large employers from the dedicated human resources professional criterion for the large employer platinum HIRE Vets Medalion Award?**

Yes. Large employers who employ 5,000 or fewer employees need not have a dedicated human resources professional to support the hiring and retention of veteran employees. A large employer with 5,000 or fewer employees can satisfy the criterion at § 1011.100(b)(7) by employing at least one human resources professional whose regular work duties include supporting the hiring, training, and retention of veteran employees.

### **§ 1011.120 Under what circumstances will VETS find an employer ineligible to receive a HIRE Vets Medalion Award for a violation of labor law?**

(a) Any employer with an adverse labor law decision, stipulated agreement, contract debarment, or contract termination, as defined in paragraphs (b) through (e) of this section, pursuant to either of the following labor laws, as amended, will not be eligible to receive an award:

(1) Uniformed Services Employment and Reemployment Rights Act (USERRA); or

(2) Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA);

(b) For purposes of this section, an adverse labor law decision means any of the following, issued in the calendar year prior to year in which applications are solicited or the calendar year in which applications are solicited up until the issuance of the award, in which a violation of any of the laws in paragraph (a) of this section is found:

(1) A civil or criminal judgment;

(2) A final administrative merits determination of an administrative adjudicative board or commission; or

(3) A decision of an administrative law judge or other administrative judge that is not appealed and that becomes the final agency action.

(c) For purposes of this section, a stipulated agreement means any agreement (including a settlement agreement, conciliation agreement, consent decree, or other similar document) to which the employer is a party, entered into in the calendar year prior to the year in which applications are solicited or the calendar year in which applications are solicited up until the issuance of the award, that contains an admission that the employer violated either of the laws cited in paragraph (a) of this section.

(d) For purposes of this section, a contract debarment means any order or voluntary agreement, pursuant to the laws listed in paragraph (a) of this section, that debars the employer from receiving any future Federal contract. Employers shall be ineligible for an award for the duration of time that the contract debarment is in effect.

(e) For purposes of this section, a contract termination means any order or voluntary agreement, pursuant to the laws listed in paragraph (a) of this section, that terminates an existing Federal contract prior to its completion. Employers shall be ineligible for the award if this termination occurred in the calendar year prior to the year in which applications are solicited or the calendar year in which applications are solicited up until the issuance of the award.

(f) VETS may delay issuing an award to an employer if, at the time the award is to be issued, VETS has credible information that a significant violation of one of the laws in paragraph (a) of this section may have occurred that could lead to an employer being disqualified pursuant to any of paragraphs (b) through (e) of this section.

### Subpart C—Application Process

#### § 1011.200 How will VETS administer the HIRE Vets Medallion Award process?

The Secretary of Labor will annually—

(a) Solicit and accept voluntary applications from employers in order to consider whether those employers should receive a HIRE Vets Medallion Award;

(b) Review applications received in each calendar year;

(c) Notify such recipients of their awards; and

(d) At a time to coincide with the annual commemoration of Veterans Day—

(1) Announce the names of such recipients;

(2) Recognize such recipients through publication in the FEDERAL REGISTER; and

(3) Issue to each such recipient—

(i) A HIRE Vets Medallion Award; and

(ii) A certificate stating that such employer is entitled to display such HIRE Vets Medallion Award.

#### § 1011.205 What is the timing of the HIRE Vets Medallion Award process?

VETS will review all timely applications that fall under any cap established in § 1011.305 of this part to determine whether an employer should receive a HIRE Vets Medallion Award, and, if so, of what level.

(a) *Performance period*—except as otherwise noted in § 1011.120 of this part, only the employer's actions taken prior to December 31 of the calendar year prior to the calendar year in which applications are solicited will be considered in reviewing the award.

(b) *Solicitation period*—VETS will solicit applications not later than Janu-

ary 31 of each calendar year for the HIRE Vets Medallion Award to be awarded in November of that calendar year.

(c) *End of acceptance period*—VETS will stop accepting applications on April 30 of each calendar year for the awards to be awarded in November of that calendar year.

(d) *Review period*—VETS will finish reviewing applications not later than August 31 of each calendar year for the awards to be awarded in November of that calendar year.

(e) *Selection of recipients*—VETS will select the employers to receive HIRE Vets Medallion Awards not later than September 30 of each calendar year for the awards to be awarded in November of that calendar year.

(f) *Notice of awards and denials*—VETS will notify employers who will receive HIRE Vets Medallion Awards not later than October 11 of each calendar year for the awards to be awarded in November of that calendar year. VETS will also notify applicants who will not be receiving an award at that time.

#### § 1011.210 How often can an employer receive the HIRE Vets Medallion Award?

Per section 2(d) of the HIRE Vets Act, an employer who receives a HIRE Vets Medallion Award for 1 calendar year is not eligible to receive a HIRE Vets Medallion Award for the subsequent calendar year.

#### § 1011.215 How will the employer complete the application for the HIRE Vets Medallion Award?

(a) VETS will require all applicants to provide information to establish their eligibility for the HIRE Vets Medallion Award.

(b) VETS may request additional information in support of the application for the HIRE Vets Medallion Award.

(c) The chief executive officer, the chief human resources officer, or an equivalent official of each employer applicant must attest under penalty of perjury that the information the employer has submitted in its application is accurate.

(d) Interested employers can access the application form via the HIRE Vets

## § 1011.220

Web site accessible from <https://www.hirevets.gov/>.

(e) Applicants will complete the application form and submit it electronically.

(f) Applicants who need a reasonable accommodation in accessing the application form, submitting the application form, or submitting the application fee may contact VETS at (202) 693-4700 or TTY (877) 889-5627 (these are not toll-free numbers).

(g) Should the information provided on the application be deemed incomplete, VETS will attempt to contact the applicant. The applicant must respond with the additional information necessary to complete the application form within 5 business days or VETS will deny the application.

## § 1011.220 How will VETS verify a HIRE Vets Medallion Award application?

VETS will verify all information provided by an employer in its application to the extent that such information is relevant in determining whether or not such employer meets the criteria to receive a HIRE Vets Medallion Award or in determining the appropriate level of HIRE Vets Medallion Award for that employer to receive. VETS will verify this information by reviewing all information provided as part of the application.

## § 1011.225 Under what circumstances will VETS conduct further review of an application?

If at any time VETS becomes aware of facts that indicate that the information provided by an employer in its application was incorrect or that the employer does not satisfy the requirements at § 1011.120, VETS may conduct further review of the application. As part of that review, VETS may request information and/or documentation to confirm the accuracy of the information provided by the employer in its application or to confirm that the employer is not ineligible under § 1011.120. Depending on the result of the review, VETS may either deny or revoke the award. If VETS initiates such review prior to issuing the award, VETS will not be required to meet the timeline requirements in this part.

## 20 CFR Ch. IX (4-1-23 Edition)

## § 1011.230 Under what circumstances can VETS deny or revoke an award?

(a) *Denial of award.* VETS may deny an award for any of the following reasons:

(1) The applicant fails to provide information and/or documentation as requested under § 1011.225 of this part;

(2) VETS determines that the chief executive officer, the chief human resources officer, or an equivalent official of the applicant falsely attested that the information on the application was true;

(3) The employer is ineligible to receive an award pursuant to § 1011.120 of this part; or

(4) The application does not satisfy all application requirements.

(b) *Revocation of award.* Once the HIRE Vets Medallion Award has been awarded, VETS may revoke the recipient's award for the following reasons:

(1) The HIRE Vets Medallion Award recipient fails to provide information and/or documentation as requested under § 1011.225 of this part;

(2) VETS determines that the chief executive officer, the chief human resources officer, or an equivalent official of the recipient falsely attested that the information on the application was true;

(3) The employer was ineligible to receive an award pursuant to § 1011.120 of this part; or

(4) The employer violated the display restrictions at § 1011.405 of this part.

(c) If VETS decides to deny or revoke an award, it will provide the employer with notice of the decision. An employer may request reconsideration of VETS' decision to deny or revoke an award pursuant to § 1011.500 of this part.

## Subpart D—Fees and Caps

## § 1011.300 What are the application fees for the HIRE Vets Medallion Award?

(a) The Act requires the Secretary of Labor to establish a fee sufficient to cover the costs associated with carrying out the HIRE Vets Medallion Program.

(b) Table 1 to § 1011.300 sets forth the fees an employer must pay to apply for

the HIRE Vets Medallion Award. VETS will adjust the fees periodically according to the Implicit Price Deflator for Gross Domestic Product published by the U.S. Department of Commerce and notify potential applicants of the adjusted fees.

(1) If a significant adjustment is needed to arrive at a new fee for any reason other than inflation, then a proposed rule containing the new fees will be published in the FEDERAL REGISTER for comment.

(2) VETS will round the fee to the nearest dollar.

TABLE 1 TO § 1011.300

Application Fees	
Small Employer Fee .....	\$90.00
Medium Employer Fee .....	190.00
Large Employer Fee .....	495.00

(c) All applicants must submit the appropriate application processing fee for each application submitted. This fee is based on the fees provided in table 1 to § 1011.300. Payment of this fee must be made electronically through the U.S. Treasury *pay.gov* system or an equivalent.

(d) Once a fee is paid, it is nonrefundable, even if the employer withdraws the application or does not receive a HIRE Vets Medallion Award.

**§ 1011.305 May VETS set a limit on how many applications will be accepted in a year?**

Yes, VETS may set a limit on how many applications will be accepted in any given year.

**Subpart E—Design and Display**

**§ 1011.400 What does a successful applicant receive?**

(a) The award will be in the form of a certificate and will state the year for which it was awarded.

(b) VETS will also provide a digital image of the medallion for recipients to use, including as part of an advertisement, solicitation, business activity, or product.

**§ 1011.405 What are the restrictions on display and use of the HIRE Vets Medallion Award?**

It is unlawful for any employer to publicly display a HIRE Vets Medallion Award, in connection with, or as a part of, any advertisement, solicitation, business activity, or product—

(a) For the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the award through the HIRE Vets Medallion Program, if such employer did not receive such award through the HIRE Vets Medallion Program; or

(b) For the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the award through the HIRE Vets Medallion Program for a year for which such employer did not receive such award.

**Subpart F—Requests for Reconsideration**

**§ 1011.500 What is the process to request reconsideration of a denial or revocation?**

(a) An applicant may file a request for reconsideration of VETS' decision to deny or revoke a HIRE Vets Medallion Award or of VETS' decision as to the level of award by mailing a request for reconsideration to the following address no later than 15 business days after the date of VETS' notice of its decision. Requests for reconsideration must be sent to: HIRE Vets Medallion Program, DOL VETS, 200 Constitution Ave. NW., Room S1325, Washington, DC 20210.

(b) Requests for reconsideration pursuant to paragraph (a) of this section must contain the following:

(1) The employer name and identification number;

(2) The reason for the request; and

(3) An explanation, accompanied by any necessary documentation to support that explanation, of why VETS' decision was incorrect.

(c) VETS may request from the employer filing such request any additional evidence or explanation it finds necessary for reconsideration.

(d) Within 30 business days after the later of the receipt of the request or



**§ 1011.600**

the receipt of any additional evidence or explanation requested, VETS will issue a determination about whether to grant or deny the request.

(e) No additional Department of Labor review is available.

**20 CFR Ch. IX (4–1–23 Edition)**

**Subpart G—Record Retention**

**§ 1011.600 What are the record retention requirements for the HIRE Vets Medallion Award?**

Applicants must retain a record of all information used to support an application for the HIRE Vets Medallion Award for 2 years from the date of application.

**PARTS 1012–1099 [RESERVED]**