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INSIDE

UNIONS

Released rule expanding union 'persuader' reporting long-delayed, but draws immediate criticism

The long-awaited so-called "persuader rule" that would require certain disclosures related to third-party consultants (including attorneys) used by employers in crafting and delivering anti-union messages to workers has been finalized and released by the Labor Department's Office of Labor-Management Standards (OLMS). The final rule was published in the *Federal Register* on March 24 and revises two public disclosure reporting forms: Form LM-10 (employer report) and the Form LM-20 (agreement and activities report). Generally, with some exceptions, these reports must be filed when an employer and a labor relations consultant make an arrangement or an agreement that the consultant will undertake efforts to persuade the employer's workers to reject an organizing campaign or collective bargaining effort by a union. First proposed on June 21, 2011, the final rule has been long in the making, yet drew immediate criticism.

Revised forms

The revised forms are not yet available electronically. However, Form LM-20 Facsimile and Form LM-20 Instructions, as well as Form LM-10 Facsimile and Form LM-10 Instructions are now available in pdf. Form LM-20 will be available electronically on July 1, 2016; Form LM-20 will be available on January 1, 2017.

LMRDA Section 203. The final rule makes changes to the employer and labor relations consultant/"persuader" reporting requirements of Section 203 of the Labor-Management Reporting and Disclosure Act (LMRDA). Section 203 requires employers and labor relations consultants to report their agreements or arrangements under which the consultant undertakes activities with an object, directly or indirectly, to persuade workers about their rights to organize and bargain collectively. This requirement is subject to an exemption in Section 203(c), which provides that no one is required to file a report covering the services of a consultant "by reason of his giving or agreeing to give advice" to the employer.

Changes to Section 203 reporting. Under the controversial changes made by the final rule, an employer-consultant agreement is reportable if a consultant engages in "persuader activities." These are defined as any "actions, conduct or communications that are undertaken with an object, explicitly or implicitly, directly or indirectly, to affect an employee's decisions regarding his or her representation or collective bargaining rights." Under a typical reportable agreement or arrangement, a consultant agrees to manage a campaign or program to avoid or counter a union organizing or collective bargaining effort, either jointly with the employer or separately. Under the DOL's prior interpretation of Section 203(c), the employer and consultant would be

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required to file a report *only* if the consultant communicated *directlyto the workers*. The final rule requires that both *direct* and *indirect* activities must be reported.

In addition, the final rule mandates that consultants must also file reports when they hold union avoidance seminars for employers. However, employers are not required to report simple attendance at these seminars.

The Labor Department provided this summary of the final rule.

Activities that trigger reporting. Under the revised Section 203 interpretation set forth in the final rule, consultant activities that trigger reporting include *direct* contact with employees with an object to persuade them, as well as these categories of *indirect* consultant activity undertaken with an object to persuade employees:

- Planning, directing, or coordinating activities undertaken by supervisors or other employer representatives, including meetings and interactions with employees.
- Providing material or communications for dissemination to employees.
- Conducting a union avoidance seminar for supervisors or other employer representatives.
- Developing or implementing personnel policies, practices, or actions for the employer.

Exempt "advice" activities which do not trigger the reporting requirement are now limited to what the OLMS called "those activities that meet the plain meaning of the term": an oral or written recommendation regarding a decision or course of conduct.

Old interpretation. The OLMS noted that under the prior interpretation of Section 203, persuader agreements did not need to be reported if the consultant had no direct contact with employees and limited his or her activity to providing the employer with materials that the employer had the right to accept or reject. The earlier interpretation of "advice" purportedly resulted in significant underreporting of persuader agreements because it essentially limited reporting to agreements that involved only direct persuader activities, not indirect activities.

Closing the loophole. The Labor Department also cited what it called a "longstanding loophole" that permitted employers to hire consultants who would create materials, strategies, and policies for organizing campaigns—even scripting managers' communications with employees—without disclosing anything, so long as the consultant did not directly contact employees. The final rule closes that loophole to align the regulation with the statute, according to the DOL. Under that the same statute, the DOL pointed out, unions already are required to make comprehensive public reports on their expenditures, including expenditures on union-organizing campaigns.

What does the final rule achieve? The Labor Department laid out what it believes the final rule achieves, explaining that "full disclosure of both direct and indirect persuader activities protects employee rights to organize and bargain collectively and promotes peaceful and stable labor-management relations." The new requirements will provide workers with "essential information about the underlying source of the views, materials, and policies directed at them and designed to influence how they exercise their rights to union representation and collective bargaining," according to the DOL.

What the experts are saying

To understand more about the final rule and its implications for both employees and employers, Wolters Kluwer Law & Business reached out to a team of experts.

Employees need to know. Paul Secunda, labor law professor at Marquette University Law School, weighed in with a view toward the final rule as it relates to workers facing a decision about whether to vote for union representation: "The DOL union persuader rule is a necessary regulatory disclosure so that employees considering joining a union can understand their employer's true motivations in union organizing campaigns. Employees about to decide whether to vote for unionization should understand that messages provided to them about the disadvantages of unions by their supervi-

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sors and bosses are being scripted by highly paid, anti-union consultants. Of course, employers are entitled to share their views about unionization with their employees in a non-coercive manner, and this new rule will also not interfere with the underlying legal advice that employers receive from their labor attorneys regarding such union campaigns, but employees have the right to know how their employer is pursuing its anti-union agenda and how much it is costing them."

Historic definition altered and expanded. "The DOL altered the historic definition of 'advice' and expanded its definition to now include indirect activities that may be used to persuade employees to oppose union organizing," according to Sherman & Howard attorney W. V. Bernie Siebert. "Previously, only engaging in direct contact with employees in an organizing campaign had to be reported. Now such things as the drafting of materials, providing advice and counsel, and any other activities remotely designed to persuade employees in the absence of contact with employees will need to be reported, including supervisor training."

Problem for lawyers? According to Siebert, the final rule's reporting requirements will infringe on lawyers' duty of confidentiality and the attorney-client privilege. "Lawyers who assist in drafting speeches and answers to employee questions in an effort to insure compliance with applicable law will have to file a report detailing, among other things, the name of the client, the agreement as to fees, the tasks performed for the client, and the total fees received. The new rule was opposed by nearly every employer organization and even the American Bar Association."

Attorney Chris Bourgeacq of the The Chris Bourgeacq Law Firm, PC, similarly saw a potential problem for lawyers. "The DOL pays lip service to observing and protecting attorney-client privilege, but the new rule presents a clear and substantial threat to the privilege," Bourgeacq said. "The DOL explains for example that if an attorney engages in providing mixed legal advice and 'persuader' activities, the entire agreement between the attorney and client would have to be reported and included in a filing. No attorney or client wants detailed attorney-client billing records subject to request and review by the union, or to see that information posted on social media with misleading comments from union organizers."

DOL's motivation questionable. Siebert also appeared to question the Labor Department's motivation in revising the persuader rule. He pointing to this language in the DOL's report on the final rule: "In the context of an employer's reliance on a third party to assist it on matters of central importance, it is possible that an employee may weigh differently any message characterizing the union as a third party." Presumably seeing a tilt toward unions, Siebert said: "It is reassuring to know that the DOL is only seeking a more accurate interpretation of 'advice.'"

Bourgeacq likewise questioned the impetus for the changes wrought in the final rule: "Under the rubric of providing 'transparency' to employees confronted with a union organizing drive, the DOL's rule changes are nothing short of a full-scaled attempt to chill employers' rights to counter tactics from unions seeking to infiltrate and organize their employee workforce."

Too much open to interpretation. According to Bourgeacq, the final rule is "problematic on several fronts and will likely be pared down through inevitable court challenges." For starters, he suggested that the term "persuader activities" leaves too much open to interpretation. "Although the rule clearly is directed primarily to organizing activities, the DOL repeatedly notes the rule encompasses 'collective bargaining' too," he observed. "Under the NLRA, collective bargaining encompasses substantially more than just organizing and contract negotiation and includes myriad activities dealing with the union after a CBA is in place—*e.g.*, side agreements, grievances, information requests. Will attorneys have to report activities related to collective bargaining in those contexts?"

Indirect persuader activities. In addition, Bourgeacq suggested that the Labor Department "has enlarged the scope of 'indirect' persuader activities well beyond any previous meanings." He queried whether drafting an employee handbook with the following provisions, all of which could indirectly implicate organizing and collective bargaining, requires reporting under LM-10 and LM-20: solicitation/distribution; Internet usage; discipline policies; business codes of conduct; dress codes; and confidentiality provisions. "All of these topics, and certainly others as well, are serious matters with even more serious consequences," Bourgeacq said. "The vague and ambiguous contours of the new rule unfortunately leave too many activities open to debate as to whether they are covered or not covered, reportable or nonreportable."

Hobson's Choice for employers. Bourgeacq also stressed that noncompliance with reporting obligations under the LMDRA carries potential civil and criminal penalties, including fines and imprisonment. "The many ambiguities in the new rule could leave employers, their attorneys, and labor consultants guessing at their peril. Err on the side of not reporting, and you may break the law. Err on the side of reporting, and you could violate attorney-client privilege. In its 'solution' in search of a problem, the DOL thus has created a Hobson's Choice for employers and even more so for attorneys representing management in labor relations."

Effective date. The final rule is effective April 25; the proposed changes will be applicable to arrangements, agreements, and payments made on or after July 1, 2016. ■

Source: *Written by Pamela Wolf, J.D. and originally published in the March 23, 2016 edition of Employment Law Daily, a Wolters Kluwer Law & Business publication.*

HR QUIZ

Can an employer ask an employee with an intellectual disability if she needs an accommodation?

Q Issue: *Penny, an employee in your flower shop who has an intellectual disability, is in charge of stocking the containers in the refrigerators with flowers as they arrive from the suppliers. Each type of flower has a designated container, and each container has a specific location in the refrigerator. However, Penny often misplaces the flowers and containers. You know about her disability, suspect that her performance problem is a result of the disability, and know she is unable to ask for a reasonable accommodation because of her intellectual disability. Can you ask Penny if she needs an accommodation, even though she has not requested one?*

A Answer: Yes. An employer has a legal obligation to initiate a discussion about the need for a reasonable accommodation and to provide an accommodation if one is available if the employer:

1. knows that the employee has a disability;
2. knows, or has reason to know, that the employee is experiencing workplace problems because of the disability; and
3. knows, or has reason to know, that the disability prevents the employee from requesting and accommodation.

In this instance, you should ask Penny about the misplaced items and ask if it would be helpful to label the containers and refrigerator shelves. If she replies that it would, as a reasonable accommodation, you should label the containers and refrigerator shelves with the appropriate flower name or picture.

Source: *EEOC's "Revised Questions and Answers about Persons with Intellectual Disabilities and the Americans with Disabilities Act," reported in Employment Practices Guide, ¶5374; http://www.eeoc.gov/laws/types/intellectual_disabilities.cfm.*

IT RECRUITING

Initiative plans 5,000 technology jobs for people with Autism

Global companies announced on March 28, The 5,000 Initiative: Autism in Tech Workforce, a unified plan to train and employ 5,000 people on the autism spectrum in technology positions by 2020. The 5000 Initiative is a result of a summit held in Dallas in early March led by AT&T, Meticulon, MindSpark Technologies, LaunchAbility and Optimity Advisors. Other summit participants include Aspiritech, AutonomyWorks, Canadian Software Testing Board, Focus Professional Services, High Order Solutions, Infoxchange, Level IT Up Inc. and ULTRA Testing.

"As the race for competitive IT talent continues, organizations of all sizes must continually innovate and explore ways to remain competitive for job seekers – while strengthening their inclusive cultures for employees of all abilities,"

"As the race for competitive IT talent continues, organizations of all sizes must continually innovate and explore ways to remain competitive for job seekers – while strengthening their inclusive cultures for employees of all abilities," says Chad Hahn, partner of Optimity Advisors and co-founder of MindSpark. "In addition, an estimated 500,000 young adults with autism will enter the workforce over the next decade."

"Many individuals with autism have strengths that correlate to success in technology – often in quality assurance, data services and software and website testing," says Meticulon CEO Garth Johnson. The 5000 Initiative believes they are leading the charge to build the bridge to these roles through training. The 5000 Initiative will create and build best practices around training for these positions and to appropriately support those with autism to build strong careers and successfully serve the global workforce.

"There's a critical workforce need for these positions at many companies, but a gap exists between the training and access into these roles that those with autism haven't been able to cross," says LaunchAbility CEO Kathryn Parsons. "By training and employing individuals with specialized abilities, companies will maximize the professional and social opportunities in an environment that allows these individuals to thrive." ■

PRACTICE TIP

Online tool provides accessibility for applicants with disabilities

The Labor Department's Office of Disability Employment Policy has launched a free online tool that helps employers and HR professionals ensure accessibility in their web-based job applications and other recruiting technologies for individuals with disabilities. Deputy Secretary of Labor Chris Lu formally unveiled the new tool during his keynote address on March 22 in San Diego at the 2016 International Technology and Persons with Disabilities Conference hosted by California State University, Northridge.

Created by ODEP's Partnership on Employment & Accessible Technology (PEAT), TalentWorks provides general background on accessibility and e-recruiting, as well as tip sheets for making online job applications, digital interviews, pre-employment tests, and resume upload programs accessible. The new tool synthesizes ideas and solutions that PEAT has gathered from employers, advocacy organizations, job applicants, and technology providers. It's the latest enhancement to a suite of tools and resources PEAT offers to improve the employment, retention, and career advancement of people with disabilities through the promotion of accessible technology.

PEAT created the tool after its national survey of people with disabilities found that 46 percent of respondents rated their last experience applying for a job online as "difficult to impossible."

"Inaccessible technology prevents people with disabilities from applying and interviewing for jobs, and limits the talent pool for employers," Lu said in a statement. "The U.S. Department of Labor is committed to helping employers improve their recruitment and hiring processes. With resources like TalentWorks, employers can build a diverse, more inclusive workforce by ensuring their organization's virtual door is open to everyone." ■

TELECOMMUTING

How to embrace the telecommuting revolution while managing its risks

Fully aware that they can do the same work from an iPhone in Dubai, a tablet at a suburban Starbucks, or a cubicle in a downtown office, the most sought-after employees have gravitated towards companies that allow them to telecommute. To remain competitive for employee talent, and to reap other benefits a telecommuting model affords, many companies have seriously considered embracing telecommuting in some form. Concerns about the risks telecommuting presents have kept some companies from straying from more traditional workplace models. However, through thoughtful and creative management, any company can mitigate the risks telecommuting poses while reaping its benefits.

The case for telecommuting

In addition to serving as a tool to attract top employee talent, a telecommuting model has other significant benefits to companies, such as reducing their often exorbitant real estate footprints. Recognizing that, with recently available technological innovations, even sophisticated work can be done just as effectively from Salt Lake City as from New York City, companies have begun moving work to lower-cost locations. According to CNN Money's cost-of-living-comparison calculator, an employee earning $100,000 in Manhattan has the same buying power as an employee earning $42,426 in Salt Lake City. The implications are clear: employers can lower compensation-related costs (including payroll taxes), while increasing their employees' buying power. Transitioning work to lower-cost locations can be particularly valuable for companies that currently house support services departments, such as accounting, IT, and word processing, in their corporate offices.

Will in-demand employees trade bright city lights for lower-cost alternatives? Research suggests that Millennials are willing, if not eager, to do exactly that. Companies that offer prospective employees the opportunity to do sophisticated work, which, historically, has been concentrated in major cities, while living in the lower-cost location of their choosing, will be well-positioned to compete for top talent. Moreover, freed from the time and energy demands of commuting, telecommuters can maintain or augment their business productivity, while increasing time for restorative activities, such as sleep, exercise, and socializing with family and friends.

Mitigating the risks

Before embracing a telecommuting model, companies must first identify and develop plans for managing the array of risks associated. Some key risks employers must be wary of, along with best practice tips for managing those risks, are outlined below.

1. Privacy and data security

Increased vulnerability to security breaches is one important risk that may arise when employers adopt telecommuting. Instead of working in the controlled environment of an office, where equipment and networks can be closely monitored and maintained, telecommuters may access and transfer confidential and proprietary data from devices and/or over networks that lack adequate security protections.

In addition to data breach laws that exist in 47 states, certain states–including, but not limited to, California, Connecticut, Massachusetts, Maryland, Florida, and Nevada–impose specific data security and/or encryption requirements that change the telecommuting landscape for employers. Companies with contractual obligations to their customers concerning the maintenance and transmittal of customer data must consider these additional obligations, as well, when developing telecommuting policies and procedures.

Further, employers in certain highly regulated industries–such as insurance, financial services, and healthcare–must be mindful of their obligations under statutes such as the Gramm-Leach-Bliley Act, Health Insurance Portability and Accountability Act of 1996, Fair Credit Reporting Act, and Fair and Accurate Credit Transactions Act. Finally, global companies must increasingly consider evolutions in foreign data transfer regulations, such as the impending General Data Protection Regulation laws in the European Union.

Best practices:

- To address these risks, employers should ensure that transmissions of company data by telecommuters are secure. Enabling an employee to work from home should include an assessment of the employee's available equipment, as well as his or her Internet service provider (ISP). Employers should bear in mind that properly conducting this assessment may require expertise beyond that possessed by their information technology department.
- Employers should develop, as part of their telecommuting programs, safeguards that should include, without limitation:
- obtaining a risk assessment for their data security needs;
- evaluating the employee's remote environment by, for example, identifying the employee's dedicated workspace, rather than allowing the employee to work from a Starbucks (or another unknown and uncontrolled environment);
- securing transmissions of data, such as through virtual private network (VPN), Citrix, or another means;
- requiring employees to sign an acknowledgement or agreement to adhere to the security safeguards outlined in the employer's guidelines;
- conducting and documenting training of the employer's expectations for telecommuting employees, including access to data or systems by family members;
- implementing a process for identifying and recapturing any data that may be saved on the employee's equipment and outside of the company's environment; and
- monitoring transmissions of data to ensure employee compliance with relevant policies.

2. Wage and hour

Telecommuting presents the challenge of ensuring that "non-exempt" employees accurately report their hours worked, among other wage-and-hour compliance issues. Defining a worker's "work time" and ensuring that he or she reports it accurately become more challenging when employees work remotely. Last year, the U.S. Department of Labor announced its intention to further regulate in this area, formally requesting "information from stakeholders on the use of technology, including portable electronic devices, by employees away from the workplace and outside of scheduled work hours." Employers contemplating a telecommuting program must also address compliance issues posed by the patchwork of state and local laws that may be triggered when employees work outside of the company's corporate office.

Best practices:

- To avoid claims of alleged "off the clock" work, employers should establish policies for non-exempt telecommuters that require them to (a) use company-provided software to accurately track their time, and (b) sign acknowledgements, on a regular basis, attesting to their compliance with the company's time-tracking policies, including the recording of all work time. Employers must train staff to ensure that their employees, including managers, are not under the misimpression that telecommuters are "on-call" or otherwise available at all times.
- To ensure compliance with state and local law, employers should develop policies that clearly explain to all employees – including managers and staff responsible for compliance – that telecommuters, like employees in the employer's home office, are subject to federal, state, and local wage-and-hour laws.

3. OSHA and workers' compensation

Employers are not liable for, and are not obligated to inspect, their employees' home offices. The one exception is that the Occupational Safety and Health Administration (OSHA) imposes liability on employers that provide or require an employee to use materials that cause hazardous conditions.

Best practices:

- Employers should carefully consider what materials they will provide to or require employees to use and should

clearly distinguish, in their telecommuting policies, those materials from other unrelated materials their employees may have in their homes.
- Employers should also train employees on how to safely use any materials the company provides or requires.

Telecommuting also broadens employers' potential liability by blurring the line between injuries that are and are not compensable under workers' compensation laws. For example, courts have granted workers' compensation benefits to an on-call nurse who fell in her own driveway while carrying work documents and a take-out pizza, and to a saleswoman who tripped over her dog while carrying fabric samples from her home to her car.

Best Practices:

- To reduce ambiguity, and limit liability, employers should enter into written agreements with telecommuters that clearly and narrowly define which areas of the telecommuters' home constitute his or her "home office."
- Employers can retain the services of remote workplace consultants who, for a one-time fee, will help telecommuters set up their home offices and examine and document the initial condition of those offices. Doing so may enable employers to preemptively identify areas of risk. If an employee later files a workers' compensation claim, it can also serve as proof that the employer did its part to provide a safe workplace.

Other considerations

Among other things, employers implementing telecommuter programs should: (i) ensure that employees working remotely meet productivity and work-quality goals; (ii) manage leaves of absence; (iii) determine whether employees are working the requisite number of hours to be eligible for employee benefits, which is an important issue under the Affordable Care Act; and (iv) ensure current licensure of professionals, such as lawyers or doctors, who are physically located in one state, but provide services in another.

Conclusion

Like most disruptive workplace innovations, telecommuting poses new challenges for employers. Employers that establish thoughtful and creative policies can mitigate many of the risks telecommuting presents, while reaping its benefits, such as real estate and labor cost-savings and a competitive edge in attracting talent. If done right, telecommuting benefits employers and employees alike. ■

Source: *"8 ways to embrace the telecommuting revolution while managing its risks," written by Daisy A. Tomaselli and Damon W. Silver, Jackson Lewis P.C., was originally published in the February 25, 2016 edition of Employment Law Daily, a Wolters Kluwer Law & Business publication.*

DISCRIMINATION

New EEOC Charge Status System is up and running

The EEOC on March 23 announced the launch of its Online Charge Status System. The system includes two components that are aimed at improving the agency's services to the public. First, individuals who have filed a charge of discrimination will now able to check the status of their charges online. Second, a new business portal will permit businesses to receive and upload documents and communicate with EEOC.

The agency receives over 150,000 inquiries from individuals with questions about workplace discrimination and approximately 90,000 charges per year, making its charge system the agency's most common interaction with the public.

Online Charge System. Specifically, the EEOC's new Online Charge Status System permits individuals who have filed charges of discrimination to track the progress of their charge. The system provides up-to-date status on individual charges, as well as an overview of the steps that charges follow from intake to resolution. Contact information for EEOC staff assigned to the charge is also provided.

The Commission said that with the new system, charging parties will have access to information about their charge at their convenience, while agency staff can focus on investigating charges. Respondents will also be able to access the system and receive the same information on the status of the charge.

The Online Charge Status System is available for charges filed on or after September 2, 2015. It is not available for charges filed before that date or charges filed with EEOC's state and local Fair Employment Practices Agencies. The system can be accessed at http://www.eeoc.gov/employees/charge_status.cfm or by selecting the "Check the Status of a Charge" button on www.eeoc.gov.

Digital Charge System. All EEOC offices now use a Digital Charge System, in which employers transmit and receive documents regarding discrimination charges through a secure online portal. The Digital Charge System permits faster document transmittal, as well as notifications to the employer and EEOC staff to improve communication with EEOC. ■

HR NOTEBOOK

CPI for all items falls 0.2% as gasoline prices drop

The Consumer Price Index for All Urban Consumers (CPI-U) declined 0.2 percent in February on a seasonally adjusted basis, the U.S. Bureau of Labor Statistics (BLS) reported March 16. Over the last 12 months, the all items index increased 1.0 percent before seasonal adjustment.

The energy index continued to decrease and was the major cause of the seasonally adjusted decline in the all items index, more than offsetting increases in the indexes for food and for all items less food and energy. The gasoline index fell sharply, declining 13.0 percent, and the indexes for fuel oil and electricity also decreased, though the index for natural gas rose

Real average hourly earnings are unchanged in February

Real average hourly earnings for all employees were unchanged from January to February, seasonally adjusted, the BLS reported March 16. This result stems from a 0.1-percent decrease in average hourly earnings being offset by a 0.2-percent decrease in the Consumer Price Index for All Urban Consumers (CPI-U).

Real average weekly earnings decreased 0.5 percent over the month due to no change in real average hourly earnings combined with a 0.6-percent decrease in the average workweek. Real average hourly earnings increased 1.2 percent, seasonally adjusted, from February 2015 to February 2016. This increase in real average hourly earnings, combined with a 0.6-percent decrease in the average workweek, resulted in a 0.6-percent increase in real average weekly earnings over this period.

Unemployment rate unchanged at 4.9% in February

Total nonfarm payroll employment increased by 242,000 in February, and the unemployment rate was unchanged at 4.9 percent, the BLS reported March 4.

Employment gains occurred in health care and social assistance (+57,000), retail trade (+55,000), food services and drinking places (+40,000), private educational services (+28,000), and construction (+19,000). Job losses continued in mining (-19,000). Employment in other major industries, including manufacturing, wholesale trade, transportation and warehousing, financial activities, professional and business services, and government, showed little change over the month.

Over the year, the unemployment rate and the number of unemployed persons were down by 0.6 percentage point and 831,000, respectively.

Gulf War-era II veterans unemployment rate declines in '15

The unemployment rate for veterans who served on active duty in the U.S. Armed Forces at any time since September 2001—a group referred to as Gulf War-era II veterans—declined by 1.4 percentage points over the year to 5.8 percent in 2015, the U.S. Bureau of Labor Statistics reported March 22. The jobless rate for all veterans, at 4.6 percent, also declined from a year earlier. About 33 percent of Gulf War-era II veterans reported having a service-connected disability in August 2015, compared with 20 percent of all veterans.

The BLS also reports the following:

- The unemployment rate for male veterans overall was lower than the rate for female veterans in 2015. The unemployment rate for male veterans declined to 4.5 percent. The rate for female veterans changed little at 5.4 percent.
- Among the 495,000 unemployed veterans in 2015, 57 percent were age 45 and over. About 37 percent were age 25 to 44, and 5 percent were age 18 to 24.
- Veterans with a service-connected disability had an unemployment rate of 5.4 percent in August 2015, not statistically different from veterans with no disability.
- More than 1 in 3 employed veterans with a service-connected disability worked in the public sector in August 2015, compared with about 1 in 5 veterans with no disability.
- In 2015, the unemployment rate of veterans varied across the country, ranging from 1.9 percent in Iowa to 7.7 percent in the District of Columbia. ■