

REMOTE WORKFORCE REFORM

VEVRAA 'Establishment' Definition Must Be Modernized for Remote-First Defense Tech Companies — Current Rules Impossible to Apply

VEVRAA Recordkeeping | 38 U.S.C. §4212 | Due: MARCH 9, 2026 | [regulations.gov](https://www.regulations.gov)

⚠️ URGENT — COMMENT DEADLINE: MARCH 9, 2026 ⚠️

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CAGE / UEI	9S0L8 U34MSJ6A6413 Thomasville, Thomas County, Georgia (Rural, ~23% poverty, ~14% BA attainment)
Contracts	Navy · Army · SOCOM · AFSOC — Cybersecurity, AI, Quantum Comms, Encrypted Comms, Submarine/Aerial Drone Systems
Standing	ETAAC Nominee DARPA SBIR HR0011SB20254-12 14-Patent Portfolio DTIC AD1348980 NIST 800-171 ITAR DS-2032 BIS SNAP-R S745686 FinCEN MSB DOE Energy-AI Nexus
Entity	Delaware Corporation — Defense Technology CAGE 9S0L8 SAM.gov Active SBIR Applicant

I. THE ESTABLISHMENT DEFINITION CRISIS FOR REMOTE-FIRST COMPANIES

VEVRAA compliance obligations — including AAP structure, utilization analysis, and hiring goal-setting — are organized around the concept of a contractor 'establishment': typically, a physical location where business is conducted. OFCCP's regulations and guidance assume that contractors operate from identifiable physical workplaces where employees report and work is performed. This model does not apply to Obelisk or to the rapidly growing population of remote-first defense technology companies whose employees work from home offices across multiple states with no corporate headquarters and no physical establishment in any traditional sense.

The OMB estimate of 48.18 hours per 'contractor establishment' does not define what counts as an establishment for a remote-first company. Does Obelisk have one establishment (its Delaware corporate domicile)? One establishment per state where an employee works? One establishment per employee? The answer determines whether Obelisk owes one AAP or dozens. OFCCP has never published clear guidance on this question for remote-first companies, and the ambiguity generates substantial legal review costs not captured in any burden estimate.

II. THE FOUR POSSIBLE INTERPRETATIONS AND THEIR BURDEN IMPLICATIONS

Option A — Single Establishment (Corporate Domicile)

If Obelisk is treated as a single establishment headquartered in Georgia, the 48.18-hour estimate is still 700–1,000% understated (as shown in Comment 1). But at least the compliance obligation is finite and definable.

Option B — Establishment Per State With Employees

If each state where an employee works constitutes a separate establishment, Obelisk could owe a separate VEVRAA AAP for each state — multiplying the 48.18-hour burden by the number of states with remote employees. For a 10-employee remote team across 5 states, this is 241 hours (5 × 48.18) just on OFCCP's own (understated) numbers, and 875–1,485 hours on actual burden estimates.

Option C — Establishment Per Employee Home Office

If each remote employee home constitutes a separate establishment (an interpretation OFCCP has never definitively ruled out), the compliance obligation is mathematically unbounded and operationally impossible.

Option D — Project-Based Establishment

For defense technology companies performing classified or controlled work at government facilities, the work location itself (SCIF, base, shipyard) could arguably be the establishment — creating VEVRAA obligations tied to DoD facility locations rather than contractor corporate structure.

III. DEMANDED REGULATORY CLARITY

- OFCCP to publish a proposed rule within 180 days defining 'establishment' for VEVRAA purposes for remote-first federal contractors — specifically addressing: single-employee home offices, multi-state distributed teams, and defense contractors performing work at government facilities.
- Safe harbor rule: A federal contractor with no physical headquarters employing fewer than 100 employees shall be treated as a single establishment for all VEVRAA purposes, domiciled at the contractor's legal address of record in SAM.gov.
- OFCCP to confirm that no remote-first contractor will be treated as having multiple establishments solely because employees work from home offices in different states.
- DOL CIO: Certify whether OFCCP's current compliance data collection systems can accommodate single-establishment filings for remote-first companies without requiring manual workarounds.
- Until this clarification is published, OFCCP must create a formal interim safe harbor: remote-first contractors with fewer than 100 employees are treated as single-establishment and their 48.18-hour burden is calculated accordingly — not multiplied by employee count or state count.

Respectfully submitted,

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