



OFCCP Proposed Section 503 Regulations Webinar



NPRM: Section 503 of the Rehabilitation Act of 1973

*Strengthening Employment
Protections for Individuals With
Disabilities*



NOTICE of Proposed Rulemaking (NPRM)



An agency's way of informing the public of proposed changes to a regulation and requesting input

EMPLOYMENT



Improving Job Opportunities for
Americans with Disabilities

Why Revise the Regulations?

- Framework unchanged since the 1970's
- BLS data show stark employment disparities:
 - ❖ 79% of those with disabilities outside the labor force
 - ❖ 30% of those without disabilities out of labor force
- Existing framework clearly not working
- Revisions intended to increase employment opportunities for individuals with disabilities

NPRM Overview



- Incorporate changes necessitated by the ADA Amendments Act of 2008
- Require annual review of personnel processes

- Require outreach & recruitment measures
- Mandate job listing requirements

NPRM Overview (2)

- Modify invitation to self-identify
- Establish a national utilization goal



- Require written reasonable accommodation procedures
- Require increased data collection
- Modify compliance evaluation procedures

Necessitated by the ADAAA

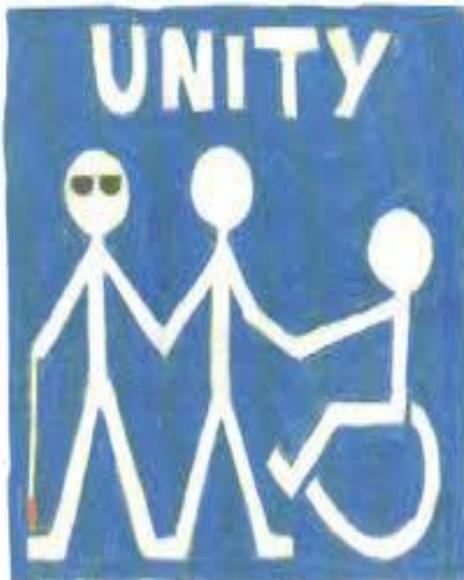
- ❑ ADAAA applies equally to Section 503.
- ❑ ADAAA primarily broadens the definition of “disability;” became effective January 1, 2009.



- ❑ NPRM revisions consistent with amended EEOC regulations.

Annual Review of Personnel Processes

- Mandate previously recommended steps contractors must take to review their personnel processes, and to review physical and mental job qualifications
- Review and its results must be documented
- Reviews must take place annually rather than periodically



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Mandatory Outreach/Recruitment Efforts

Proposes requiring that contractors:

- ❖ List all openings with the employment delivery service/One-Stop;
- ❖ Enter into at least 3 linkage agreements;
- ❖ Annually review effectiveness of recruitment efforts; and
- ❖ Document this review

Records must be kept for 5 years



Invitation to Voluntarily Self-Identify

- ❑ Proposes both pre-offer & post-offer invitations AND
- ❑ Annual anonymous resurvey of employees
- ❑ OFCCP will mandate text of contractor invitations
- ❑ Will provide much needed data to evaluate workplace practices



Establishment of a National Utilization Goal

- National utilization goal of 7% for each job group in workforce
- Based on limited American Community Survey (ACS) labor force & discouraged worker data



- Goal is neither a quota nor a ceiling
- An important tool: “What gets measured gets done”



Written Reasonable Accommodation Procedures

- ❑ Proposes contractors develop and implement written procedures for accommodation requests.
- ❑ Procedures must be in AAP and contain specific elements, including:
 - ❖ How to request reasonable accommodation;
 - ❖ Written confirmation of RA requests;
 - ❖ Timeframe for processing RA requests;
 - ❖ When medical documentation may be sought;
 - ❖ Denials in writing, including the basis for denial; and
 - ❖ Responsible official and contact information

Increased Data Collection

- Proposes contractor document & maintain specific data computations, including :
 - ❖ The ratio of jobs filled to job openings;
 - ❖ The ratio of applicants with disabilities to all applicants;
 - ❖ The total number of applicants hired; and
 - ❖ The ratio of individuals with disabilities hired to all hires.

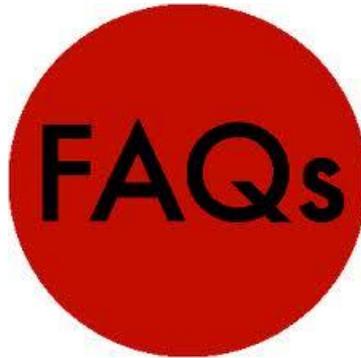
- Records must be kept for 5 years,



Compliance Evaluation Procedures

- Proposes revisions to compliance evaluation procedures:
 - ❖ Contractors must provide records in any available format that OFCCP requests;
 - ❖ Allows access to records for compliance checks & focused reviews onsite OR offsite at OFCCP's discretion; and
 - ❖ Adds a pre-award compliance evaluation to make Section 503 consistent with EO 11246



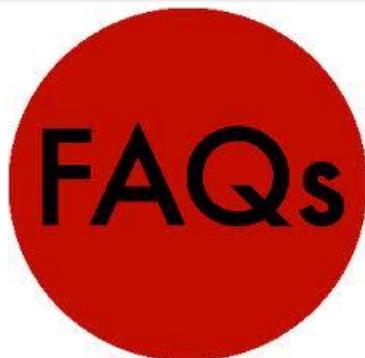


FAQs About the NPRM

How Do I Submit Comments?



Electronically, (most common way) by accessing the Federal eRulemaking portal called regulations.gov at: <http://www.regulations.gov>. Follow instructions for submitting comments using RIN number **1250-AA02**; **OR**

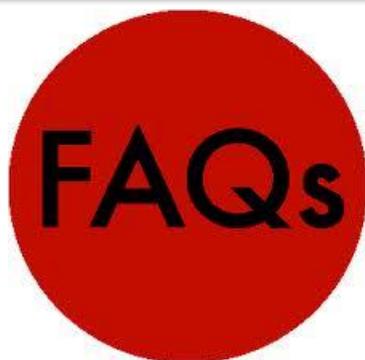


Submitting Comments



- ❖ Mail or hand deliver/courier to: Debra A. Carr, Director, DPPP, Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Ave, N.W., Washington, D.C. 20210.
- ❖ FAX (comments of 6 pages or less) using telephone number (202) 693-1304.



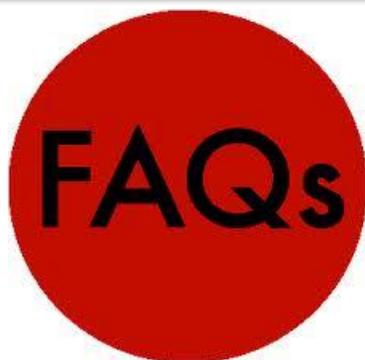


Comment Receipt

Does OFCCP Acknowledge Receipt of Comments?



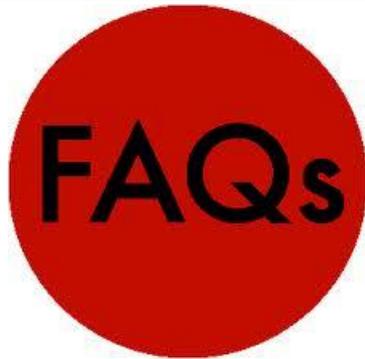
- ❖ Generally not. May request confirmation of comment receipt by calling (202) 693-0103 (voice) or (202) 693-1337 (TTY).
- ❖ All comments are posted and may be viewed on www.regulations.gov. If received by mail, comments posted within 2-3 business days after receipt.



Use of Comments

- What does OFCCP do with the comments it receives?
 - ❖ Reviews and analyzes
 - ❖ Comments assist OFCCP in developing Final Rule on Section 503, which will make permanent changes to the regulations





Comment Deadline

□ When is the deadline for submitting comments?

- ❖ Public comment period is 60 days
- ❖ Must receive comments on or before

February 7, 2012



Questions

Use the question box on your webinar taskbar to submit questions



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Highlights

OFCCP Regulatory Agenda

Read more... 1 2 3 4 5 6

OFCCP Mission

The purpose of the Office of Federal Contract Compliance Programs is to enforce, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government.

- About OFCCP

Latest Events & News December 19, 2011

- OFCCP Publishes Proposal to Improve Job Opportunities for Individuals with Disabilities
- US Labor Department Files Complaint Against Brunswick Corp. and Lund Boat Co. for Sex Discrimination
- US Labor Department Files Complaint Against Cargill Meat Solutions for Discrimination
- Nishimoto Trading Company Sex Discrimination Allegations Settled

Newsroom Archive

Speeches, Webinars and Multimedia

- Federal Contracting and Procurement Officers: EEO and FAR Webinar Presentation September 14, 2011
- Director Shiu Delivers Keynote Address at 2011 NILG Conference
- How to Comply with the New FAAP Directive Webinar Presentation August 9, 2011

Webinar and Video Archive

Worker/Employee Corner

- File a Discrimination Complaint
- Frequently Asked Questions
- e-VETS Advisor

Federal Enforcement Officer Corner

❖ Webinar presentation will be posted on OFCCP's homepage: <http://www.dol.gov/ofccp/>

Audio recording available until January 20, 2012:
 866-373-9215, pass code 1244

Thank you for participating in OFCCP's Proposed Section 503 Regulation Revisions webinar.



We appreciate your feedback. Please submit the survey you will be receiving.