

# **MEMORANDUM OF UNDERSTANDING**

## **BETWEEN**

### **U.S. DEPARTMENT OF LABOR**

#### **OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS**

## **AND**

### **COUNCIL OF STATE ADMINISTRATORS OF VOCATIONAL REHABILITATION**

#### **I. Parties**

This Memorandum of Understanding (MOU) is made and entered into by and between the United States Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) and the Council of State Administrators of Vocational Rehabilitation (CSAVR), collectively referred to as "the parties."

OFCCP is a civil rights agency within the DOL that protects the rights of workers. OFCCP ensures that federal contractors and subcontractors (hereinafter collectively referred to as "contractors") comply with their legal obligations to provide equal employment opportunity on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, and status as a protected veteran. In addition, contractors are prohibited from discharging or otherwise discriminating against applicants or employees who inquire about, discuss, or disclose their compensation or that of others, subject to certain limitations.

CSAVR works with stakeholders to build career plans for individuals with disabilities and works with business to employ the talent of this community. CSAVR members oversee the rehabilitation of over a million individuals with disabilities. CSAVR's leadership supports a team of VR business specialists under the National Employment Team (NET). CSAVR is composed of the chief administrators of the public rehabilitation agencies serving individuals with physical, sensory and mental disabilities across the nation, including the territories. These agencies constitute the state partners in the State-Federal program of vocational rehabilitation services provided under the Rehabilitation Act of 1973, as amended.

#### **II. Authority**

OFCCP is responsible for securing compliance, by all Government contractors and subcontractors, with Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, as amended (Section 503), and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), and their implementing regulations. This responsibility not only includes conducting compliance evaluations and complaint investigations but also proactively securing compliance with the terms of the contracts entered into by federal agencies and their contractors related to nondiscrimination and affirmative action obligations.

The parties are entering into this MOU with the specific and mutual goals of working together to support OFCCP's contractors and individuals with disabilities through contractor compliance with specific aspects of the Section 503 and VEVRAA statutes and regulations. This MOU, like other measures undertaken by OFCCP to support contractor compliance with contractual nondiscrimination and affirmative action obligations, generally promotes economy and efficiency in federal procurement.

### III. Provisions

OFCCP and CSAVR recognize the benefits of a non-binding MOU between them.

OFCCP believes that a collaborative relationship with CSAVR will serve as a beneficial resource in the enforcement of Section 503, which requires contractors to take proactive steps to recruit, hire, retain, and promote qualified individuals with disabilities. Additionally, this collaboration will benefit OFCCP's mission to enforce VEVRAA, which protects certain categories of veterans, including disabled veterans.

CSAVR believes that the collaboration with OFCCP will represent an opportunity to share resources and information that will contribute to the protection of individuals under Section 503.

The parties are entering into this MOU to give structure to the scope of the collaboration with each other as part of this memorandum.

As part of this collaboration, OFCCP commits to the following:

- Include CSAVR as one of the disability resources to which it refers contractors.
- Participate in the CSAVR annual conference.

As part of this collaboration, CSAVR commits to the following:

- Share resources with OFCCP on disability awareness and topics related to employment of individuals with disabilities, such as reasonable accommodations and using assistive technology in the workplace.
- Be listed as one of OFCCP's disability resources.

Both parties commit to the following:

- Create a collaborative relationship connecting local OFCCP offices with CSAVR to foster collaboration and connect contractors with CSAVR as one available disability resource.

### IV. Effective date/implementation

- i. Nothing in this MOU limits OFCCP's interpretation or enforcement of its laws and regulations.

- ii. This MOU does not authorize the expenditure or reimbursement of any funds. Nothing in this MOU obligates OFCCP to expend appropriations or enter into any contract or other obligation not explicitly referenced in this agreement.
- iii. This agreement will be performed in full compliance with all applicable laws, including the Privacy Act of 1974, the Freedom of Information Act, and the Federal Records Act.
- iv. This MOU does not intend to create an advisory committee under the Federal Advisory Committee Act. This MOU must be interpreted and implemented in a manner consistent with this intent.
- v. By entering into this MOU, the parties do not imply an endorsement or promotion by any party of the policies, priorities, or services of the other.
- vi. Nothing in this MOU shall be interpreted as limiting, superseding, or otherwise affecting OFCCP's normal operations and functions.
- vii. This MOU does not limit or restrict the parties from participating in similar activities or arrangements with other entities.
- viii. This MOU contains all of the terms and conditions agreed upon by the parties. None of its terms or conditions, or other understandings, oral or otherwise, regarding the subject matter of this MOU shall be deemed to exist or be legally binding upon the parties. This MOU is not intended to confer any right upon any private person or third party.

V. Agreement modification and termination

The provisions of this agreement are effective on the date of signature, and the parties can modify the MOU only by mutual consent. This MOU is effective for a three-year period unless extended by mutual agreement, in writing, by the parties. Either party can unilaterally terminate this MOU by providing 30-day written notice to the other party.

The undersigned hereby agree that this document represents the understanding between them.

Craig E. Leen  
Director  
Office of Federal Contract Compliance Programs

Date Signed: 9-11-2020



Stephen A. Wooderson  
Chief Executive Officer  
Council of State Administrators of Vocational Rehabilitation

Date Signed: 9-11-2020