



## U.S. Department of Labor Issues Proposed 503 Rulemaking Released Today

For Immediate Release  
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WASHINGTON, DC (December 9, 2011) – The US Business Leadership Network (USBLN<sup>®</sup>) wishes to recognize the Secretary of Labor, Hilda L. Solis and the department's Office of Federal Contract Compliance Programs (OFCCP) Director, Patricia A. Shiu for their leadership in focusing on this important issue. The USBLN<sup>®</sup> looks forward to reviewing the proposed rule and providing their input into the formulation of the government's final rule on hiring, advancing and retaining individuals with disabilities by America's federal contractors.

Today, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register*. The proposed rule strengthens affirmative action requirements established in Section 503 of the Rehabilitation Act of 1973 obligating federal contractors and subcontractors to ensure equal employment opportunities for qualified workers with disabilities. It also details specific actions contractors would need to take in the areas of recruitment, training, record keeping and policy dissemination. In addition, the rule clarifies OFCCP's expectations for contractors by providing specific guidance on how to comply with the law.

The main comments that OFCCP seeks concern the following topics:

1. The proposed text of the voluntary self-identification invitations that contractors would use when asking an applicant or employee to identify as an individual with a disability;
2. The possible inclusion of a 2% sub-goal for individuals with certain particularly severe or targeted disabilities. OFCCP seeks comment on both the concept of using a sub-goal, and on the disabilities that should be included in such a sub-goal; and
3. The use of a utilization range rather than the fixed 7% national goal the NPRM proposes. OFCCP seeks comment on a range of values between 4% and 10%.

The NPRM proposes to do the following:

**Goals:** Federal contractors and subcontractors would be required to set a goal of 7% for employees be workers with disabilities in each job group of their workforce.

**Data Collection:** Federal contractors would be required to invite all applicants to voluntarily self-identify as an "individual with a disability" at the *pre-offer stage* of the hiring process, invite *post-offer* voluntary self-identification, and survey all employees annually in order to invite their self-identification in an anonymous manner.

**Record-Keeping:** Federal contractors would be required to maintain records on the number of individuals with disabilities applying for positions and the number of individuals with disabilities hired.

**Accommodation Requests:** Federal contractors would be required to develop and implement written procedures for processing requests for reasonable accommodation.

**Outreach:** Federal contractors would be required to engage in a minimum of three specific types of outreach and recruitment efforts, and annually review the effectiveness of these efforts.

**Job Listings:** Federal contractors would be required to list job openings with appropriate employment service delivery systems.

**Annual Reviews:** Federal contractors would be required to annually review and document the results of the review of their personnel processes and physical and mental job qualifications.

**ADAAA Updates:** Federal contractors would be required to incorporate updates made necessary by the ADA Amendments Act (ADAAA) of 2008 and subsequent amendments to the Equal Employment Opportunity Commission's (EEOC) implementing regulations of that law.

To read the notice of proposed rulemaking visit:

## **Federal Contract Compliance Programs Office**

### **PROPOSED RULES**

Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities, 77056–77105 [2011–31371]

TEXT: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-09/html/2011-31371.htm>

PDF: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-09/pdf/2011-31371.pdf>

Comments may be submitted, identified by RIN number 1250-AA02, by any of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Fax: (202) 693-1304 (for comments of six pages or less). Mail: Debra A. Carr, Director, Division of Policy, Planning, and Program Development, Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue NW, Washington, DC 20210. All comments must be received by Feb. 7, 2012, and should include identification number (RIN) 1250-AA02.

### **About the US Business Leadership Network (USBLN®)**

The US Business Leadership Network (USBLN®) is the national disability organization that serves as the collective voice of over 60 Business Leadership Network affiliates across North America, representing over 5,000 employers. The USBLN® promotes the business imperative of the preparation and inclusion of people with disabilities in the workplace, marketplace, and supply chain while supporting the development and expansion of its BLN affiliates. The USBLN® recognizes and supports best practices in hiring and advancing employees with disabilities, marketing to consumers with disabilities, and encourages contracting with vendors with disabilities through the development and certification of disability-owned businesses. [www.usbln.org](http://www.usbln.org)

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