



# 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



# 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



# 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) by accessing the Federal eRulemaking portal called regulations.gov:

<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, DPPPD,  
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) to:

(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)
    - (202) 693-1337 (TTY)
  - ❖ All comments are posted and may be viewed on [www.regulations.gov](http://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



# Webinar Information

- Webinar presentation will be posted on OFCCP's homepage:

<http://www.dol.gov/ofccp/>



**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  
as a participant of the webinar.