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OFCCP Issues Advanced Notice of Proposed Rulemaking for Regulations Implementing Section 503 of the Rehabilitation Act of 1973

Citing concern over the growing, high unemployment rate for individuals with disabilities, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) recently issued a 'call to action' to Federal contractors in the form of an Advanced Notice of Proposed Rulemaking (ANPRM).

The ANPRM issued July 23, 2010 provides notice that OFCCP is serious in changing its regulatory requirements and enforcement strategies under Section 503 of the Rehabilitation Act of 1973. The OFCCP is requesting comment on the proposal from the Federal Contractor Community. The kind of changes being considered are reflected in the types of questions being asked in the ANPRM:

1. How can affirmative action requirements be *strengthened* to measurably increase employment opportunities for individuals with disabilities?
2. What have been *Federal contractor costs* associated with fulfilling current affirmative action requirements?
3. What *barriers currently exist* to prevent Federal contractors from hiring people with disabilities?
4. What *changes can be made* to existing Section 503 language to better ensure equal employment opportunities for people with disabilities?
5. If Federal contractors were required to establish *hiring goals* for individuals with disabilities, what data should be used to identify appropriate 'availability (labor) pools' of such individuals?
6. Would the establishment of placement goals for individuals with disabilities measurably increase employment opportunities in the Federal contractor sector?
7. What *employment practices have been verified as effective* in recruiting, hiring, advancing, and retaining individuals with disabilities?
8. Have *workplace flexibility programs* impacted recruiting, hiring, and retaining people with disabilities?
9. Has *manager and/or employee training* been effective in advancing and/or retaining individuals with disabilities?
10. What would be the impact and cost for Federal contractors to require that *information and communication technology used in the job application process be fully accessible* and usable by individuals with disabilities?

OFCCP is the agency within the Department of Labor responsible for ensuring that contractors doing business with the Federal government do not discriminate and take affirmative action.

NOTE: ANPRM comments must be received on or before September 21, 2010. At that time, OFCCP will review comments and issue a Notice of Proposed Rulemaking (NPRM) which will then open an additional comment period. After this time OFCCP will publish changes to Section 503 of The Rehabilitation Act of 1973. More information regarding the ANPRM may be found at: <http://dol.gov/ofccp/index.htm>.
