

Notice of Proposed Rulemaking (NPRM) to Address Federal Contractors Obligations for Hiring People with Disabilities

Background:

On December 9, 2011 the Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor proposed a new rule which would propose significant changes to the regulations implementing Section 503 of the Rehabilitation Act of 1973. The proposed rule would require federal contractors and subcontractors to set a goal of including persons with disabilities on their workforces at a rate of seven percent. OFCCP invited public comment regarding this proposal; comments were due February 7, 2012.

The Notice of Proposed Rulemaking (NPRM) also asks for comments regarding establishing a two percent sub goal for individuals with severe disabilities, and proposes to define severe disabilities as "total deafness, blindness, missing extremities ..., partial or complete paralysis, epilepsy, severe intellectual disability, psychiatric disability and dwarfism."

In addition, the proposed regulation includes specific actions contractors must take in the areas of self-identification, outreach and recruitment, personnel processes, reasonable enhanced documentation, data collection and recordkeeping requirements.

"This proposed rule represents one of the most significant advances in protecting the civil rights of workers with disabilities since the passage of the Americans with Disabilities Act," said Secretary of Labor Hilda L. Solis. "President Obama has demonstrated a commitment to people with disabilities. This proposed rule would help federal contractors better fulfill their legal responsibility to hire qualified workers with disabilities."

TCDD Input:

TCDD submitted comments and recommendations to the National Association of Councils on Developmental Disabilities (NACDD) to be incorporated in their comments to OFCCP.