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***Your Employment Law Bulletin from***

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**KRUCHKO &
FRIES**

December 19, 2011

OFCCP Proposing New Hiring Goals for Persons with Disabilities

The Office of Federal Contract Compliance Programs ("OFCCP") is proposing a new rule that would require federal contractors and their subcontractors to set a workforce hiring goal of seven percent for persons with disabilities. The proposed rule would strengthen the affirmative action requirements established in Section 503 of the Rehabilitation Act of 1973 which obligates federal contractors to ensure equal employment opportunities for qualified workers with disabilities.

Although Section 503 regulations have been in place for years, the current unemployment rate for people with disabilities is 13 percent. Recent data published by the Bureau of Labor Statistics also show that 79.2% of working-age individuals with disabilities are outside the labor force altogether. "For nearly 40 years, the rules have said that contractors simply need to make a 'good faith' effort to recruit and hire people with disabilities. Clearly, that's not working," said OFCCP Director Patricia A. Shiu.

The OFCCP believes that the seven percent hiring goal for the employment of individuals with disabilities would be a tool for contractors to measure the effectiveness of their affirmative action efforts. An annual utilization analysis by job group would be required and, when the percentage of disabled individuals in one or more job groups is less than seven percent, the contractor would be required to develop programs designed to correct any problem areas. The OFCCP is also considering including a "sub-goal" of two percent for individuals with severe or "targeted" disabilities, such as total deafness, blindness, missing extremities, and dwarfism.

The OFCCP is accepting comments to the proposed rule through February 7, 2012. Attorneys at Kruchko & Fries will continue to monitor this situation and notify you when the rule becomes final.

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