

September 30, 2013

Revised Regulations for Section 503 and VEVRAA

On September 24, 2013, the OFCCP's new rules regarding Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 were published in the *Federal Register*. Publication on this date means that OFCCP will expect federal contractors to be in compliance with the revised rules as of March 24, 2014. OFCCP will not require any contractor to revise its existing Affirmative Action Plan for Veterans or Disabled Individuals prior to March 24, 2014, but will require that any Plan prepared after March 24, 2014 comply with the revised rules.

Contractors should be aware that as of March 24, 2014, they will be required to abide by the revised posting requirements in the new rules, including making applicable postings more accessible to disabled applicants and employees and to employees who do not work at an actual contractor site. Contractors must also revise the equal employment opportunity language in their solicitations for employees, in their own contracts, and also in their notifications to state employment services agencies.

One of the most significant changes to the rules requires contractors to invite an applicant to identify as an "individual with a disability" and a "protected veteran" prior to receiving an offer of employment. The OFCCP has indicated that it will develop a form that contractors can use for this purpose, recognizing that contractors have concerns about running afoul of the Americans with Disabilities Act if they solicit pre-offer invitations to self-identify as a disabled individual or a protected veteran.

Finally, as of the effective date of these rules, contractors must implement procedures for auditing and reporting the employment of disabled individuals and veterans and also conduct an annual assessment of their external outreach and recruitment efforts to disabled individuals and protected veterans. A contractor's effectiveness at equal opportunity in employment for veterans and disabled individuals will be gauged against OFCCP's annually established benchmark for employment of protected veterans and OFCCP's expectation that at least 7% of the contractor's employees are disabled individuals.

If you have questions regarding these revised regulations, please contact Regan Dahle or any of the other attorneys in Butzel Long's Labor and Employment Law Group.

Regan K. Dahle
734.213.3268
dahle@butzel.com

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