

Disability Community Calls for Greater Affirmative Action by Federal Contractors; Bazelon Center Leads Recommendations

Washington -- February 23, 2012 -- "Under Section 503 of the Rehabilitation Act of 1973, federal contractors are required to take affirmative action in hiring people with disabilities," stated Jennifer Mathis, deputy legal director for the Judge David L. Bazelon Center for Mental Health Law.

"However, current regulations do not require contractors to have goals concerning the number of people with disabilities in their workforces, do not require contractors to collect data that would allow them to evaluate the effectiveness of affirmative action efforts, and rely almost exclusively on voluntary action on the part of the contractors," explained Mathis.

In December, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) proposed changes to the rules regarding how federal contractors must implement and track nondiscrimination and affirmative action policies for people with disabilities. The proposed regulations would require large contractors to collect anonymous data about how many applicants and employees have disabilities and to ensure that people with disabilities comprise at least 7% of their workforce.

The Bazelon Center has spearheaded a coordinated disability community response to the proposed regulations, writing comments on behalf of 27 organizations and one individual. The Bazelon Center also coordinated efforts to draft and submit similar comments on behalf of the [Consortium for Citizens with Disabilities](#) (CCD), with another 25 organizations signing on to that comment letter.

"Many additional organizations noted support for our comments or used them as a model for their own comments," stated Mathis. **"The comments express support for the proposed regulations and urge OFCCP to make them even stronger in three major ways."**

"First, while the 7% utilization goal for employees with disabilities is a start, **a goal of 10%** would be more appropriate and eminently achievable.

"Second, we urge OFCCP to **include a separate goal for the employment of a more targeted group of individuals with disabilities** who have historically had significantly lower employment rates than people with disabilities generally. For example, individuals with mental illnesses, individuals with intellectual disabilities, and blind individuals have experienced extremely low employment rates for years.

"Third, the comments also encourage OFCCP to **clarify that contractors may not count toward their utilization goals** individuals with disabilities in sheltered workshops with which the contractor has a subcontract; contractors may count only individuals hired into the contractor's own workforce at regular wages."

Read the full text of the [Bazelon Center comments here](#). The [CCD comments are available here](#).

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The Judge David L. Bazelon Center for Mental Health Law (www.bazelon.org) is the leading national legal-advocacy organization representing people with mental disabilities. The Bazelon Center promotes laws and policies that can enable people with serious mental illnesses or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

For more information or to speak to an expert from the Bazelon Center on this issue, contact Dominic Holt at [dominic @ bazelon.org](mailto:dominic@bazelon.org) or 202.467.5730, ext. 311.