

March 30, 2012

The Honorable Thomas R. Carper  
United States Senate  
513 Hart Building  
Washington, DC 20510

RE: U.S. DOL Proposed Rule (Hiring Persons with Disabilities)

Dear Senator Carper:

I write on behalf of the State Council for Persons with Disabilities (SCPD) to endorse the concept of the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) proposed rule that would strengthen the affirmative action requirements established in Section 503 of the Rehabilitation Act of 1973. Section 503 prohibits discrimination by covered Federal contractors and subcontractors against individuals on the basis of disability and requires affirmative action on behalf of qualified individuals with disabilities. Specifically, contractors would be required to set a goal of having seven (7) percent of their employees be workers with disabilities in each job group of the contractors' workforce. The OFCCP fact sheet on the proposed rule says the goal "is neither a quota, nor a restrictive hiring ceiling, and failure to attain the goal does not necessarily constitute a violation of Section 503 or OFCCP's regulations." In addition, the proposed regulations detail specific actions a contractor must take to satisfy its obligations, increase the contractor's data collection obligations, and establish a utilization goal for individuals with disabilities to assist in measuring the effectiveness of the contractor's affirmative action efforts.

SCPD endorses the concept of the proposed regulations since good faith efforts to recruit and hire individuals with disabilities are clearly not working. The unemployment rate for workers with disabilities is 13% while the rate for all workers is about 8%. Moreover, according to recent Bureau of Labor Statistics numbers, 79% of working-age people with disabilities are outside the labor force compared to only 30.5% of people without disabilities. The proposed rule would increase the diversity of the workforce significantly.

Thank you for your consideration.

Sincerely,

Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

Cc: Developmental Disabilities Council  
Governor's Advisory Council for Exceptional Citizens

P&I/fed leg-regs/federal rule-hiring pwd 3-30-12