

OFCCP—2013 Will Be a Busy Year

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Veterans and Disability Regulations Set for April 2013

OFCCP intends to release final rules that would amend regulations for protected veterans and revise requirements for protected individuals with disabilities. Although OFCCP has set April 2013 as its deadline to release the final rules, the agency is well-known for delaying its announced plans. Nonetheless, the agency has been collecting comments on the proposed regulations for more than a year, and the issuance of the final regulations appears to be first on the agenda for 2013.

Both sets of proposed regulations impose major new requirements for applicant self-identification; significantly increase data collection, recordkeeping, and analysis and retention obligations for contractors; and also require increased, documented outreach efforts. One of the most controversial provisions of the proposed regulations would require federal contractors and subcontractors to set a single, nationwide utilization goal of seven percent for the employment of individuals with disabilities in each job group. Although the exact content of the final regulations is still unknown, and it remains to be seen whether the numerical goal will be set at above or below the proposed seven percent mark, the agenda specifically states that the final regulation will “establish a utilization goal to assist in measuring the effectiveness of the contractor's affirmative action efforts.”

Proposed Rules on the Horizon

OFCCP also disclosed plans to issue three additional sets of proposed regulations later in the year. A controversial “compensation data collection tool,” which may include significant new compensation reporting burdens for contractors, is scheduled for release in June. OFCCP has targeted August 2013 to propose new sex discrimination regulations that reflect the agency’s view of the current state of the law in this area. The agenda also announces the agency’s intent to replace current regulations implementing the affirmative action obligations of construction contractors with new regulations that, according to OFCCP, “... reflect the realities of the labor market and employment practices in the construction industry today.”

It looks like 2013 is shaping up to be a year of aggressive action and enforcement by OFCCP.

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