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UPDATE ON SECTION 503 REGULATIONS

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As we told you in the last edition of *Special Report for HR Professionals*, the Office of Federal Contract Compliance Programs (OFCCP) issued its proposal for changing the regulations related to Section 503 of the *Rehabilitation Act*. That means requirements for federal contractors related to recruiting, training and promoting people with disabilities will change.

The proposal was published on December 9, 2011 in the Federal Register. On January 27, 2012 the Honorable John Kline, Chairman of the House Committee on Education and the Workforce joined with the Honorable Phil Roe, Chairman of the house Subcommittee on Health, Employment, Labor and Pensions in writing a letter to Secretary of Labor Hilda L. Solis. In it, the Congressmen requested the Department of Labor to extend the deadline for public comment on the OFCCP proposal by at least 90 days. They also requested many specific answers to questions they believed should have been addressed in the proposal, but were not.

On February 7, 2012, the original date set as the deadline for public comment responses, OFCCP announced that it would extend the response deadline date by 14-days. The new deadline for public comment is now February 21, 2012.

The letter from Representatives Kline and Roe asked for the following input from Secretary Solis:

- Identify and explain OFCCP's statutory authority under Section 503 to establish a numerical hiring standard.
- Identify and explain OFCCP's statutory authority to require contractors to ask job applicants to self-identify as a qualified individual with a disability, given that the ADA prohibits disability-related questions before an offer of employment has been made.
- Under proposed section 60-741.44(b), OFCCP assumes contractors would spend 30 minutes per year to draft and provide written "statement[s] of reasons explaining the circumstances for rejecting individuals with disabilities for vacancies and training programs." Simple math would suggest the amount of time required would far exceed this estimate. Explain how OFCCP determined the 30 minutes per year estimate.

<http://www.management-advantage.com/media/CongressionalLettertoSolis1-27-2012.pdf> (576 KB)

OSHA SELECTS AUTHORIZED ONLINE TRAINING PROVIDERS

On January 12, 2012, the Occupational Safety and Health Administration (OSHA) announced it had selected ten private vendors as authorized training providers for 25 courses in its Outreach Training Program. The OSHA Outreach Training Program teaches workers how to identify, prevent, and eliminate workplace hazards. The program also informs workers of their rights, employer responsibilities, and how to file a complaint.

Find local OSHA certified trainers for your specific needs at http://outreachtrainers.org/client/trainer_results.aspx

The organizations selected by OSHA to offer the online courses will provide a variety of 10- and 30-hour classes designed for Construction, General Industry, and Maritime. Since OSHA began authorizing training providers to offer Web-based distance learning in 2001, the online Outreach Training Program has grown significantly. More than 135,000 workers were trained online in 2011? a five-fold increase from the number of online students trained in 2007. Access to courses and other information about the program are available at <http://s.dol.gov/L6>.

Today's selections are the culmination of a national competition announced last March. The newly selected OSHA-authorized Outreach Training Program online training providers are:

- **Construction 10-Hour:** AdvanceOnline Solutions, CareerSafe, ClickSafety, Compliance Solutions, PureSafety, Safety Unlimited, Texas Engineering Extension Service
- **Construction 10-Hour Spanish:** ClickSafety and PureSafety
- **Construction 30-Hour:** AdvanceOnline Solutions, ClickSafety, PureSafety, Texas Engineering Extension Service, Turner Knowledge Network
- **General Industry 10-Hour:** AdvanceOnline Solutions, CareerSafe, ClickSafety, North Carolina State University, PureSafety, Safety Unlimited, Texas Engineering Extension Service
- **General Industry 30-Hour:** AdvanceOnline Solutions, ClickSafety, PureSafety
- **Maritime 10-Hour:** Moxie Media

OSHA provides no funding to authorized Outreach Training Program training providers.

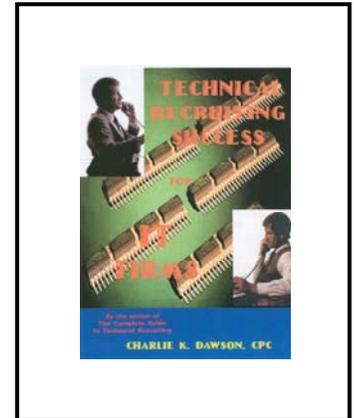
OutreachTrainers.org is a free website that assists workers looking for 10- and 30-hour outreach training classes. OSHA encourages authorized outreach trainers to add their trainer profile and training schedules to the site. The site allows those seeking outreach training to search for trainers and schedules based on type of training and proximity.

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=21636

Technical Recruiting Success for IT Firms

If you are beginning to feel the economic improvement and demand for your products and services is starting to ramp up, you'll likely need more technical specialists on staff. Here is the book to help you get exactly what you need.

<http://www.management-advantage.com/products/recruit-it.htm>



POTPOURRI

- **EEOC Says Employers Must Prove Need for HS Diploma**

In an informal discussion letter posted to its website on December 2, 2011, the Equal Employment Opportunity Commission (EEOC) said that employers must be able to prove that requirements for a high school diploma are job-related and consistent with business necessity. If such requirements effectively screen out applicants with mental disabilities, the employer may have to prove that its requirements are essential to the job in question. Otherwise, the requirement may be a violation of the *Americans with Disabilities Act (ADA)*.

http://www.eeoc.gov/eeoc/foia/letters/2011/ada_qualification_standards.html

- **Top 50 Employers Named by Disabled Community**

This year's survey results have been released by *CAREERS & the disABLED* magazine. (www.eop.com) In its Winter 2011/2012 edition, they report that companies on the list include AT&T, Motorola Solutions, John Deere, Boeing, Lockheed Martin, Apple, and 44 others. Perhaps your organization is on the list. Placement on the list was accomplished through a survey of magazine readers. They were asked to name the companies for which they would most like to work or whom they believe provide a positive working environment for people with disabilities.

It also named the top 20 government agencies, readers say they would like to work for. They include the National Aeronautics & Space Administration (NASA), the U.S. Department of Defense (DOD), Social Security Administration (SSA), Internal Revenue Service (IRS), Library of Congress, Federal Aviation Administration (FAA) and 14 more.



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EMPLOYEES ARE DISCONTENT? READY TO LEAVE?

More than 1,000 employees in North America were surveyed by Right Management, a ManpowerGroup member company. **84% of the employees said they plan to look for a new position in 2012.** This is the same result as last year. According to Bram Lowsky, Executive Vice President at Right Management, "Employees are restless and feel they lack in options. The prolonged period of economic uncertainty has meant much less job mobility than usual, and employees understandably believe they have fewer career opportunities, either internally or via a new position." Sounding the alarm, Lowsky said, "...when [intent to leave] applies to four-out-of-five employees for two years running it has to be of top concern to senior management."

[Source: *Careers & the DisABLED*, Winter 2011/2012, www.eop.com ; Right Management, <http://www.right.com/news-and-events/press-releases/2011-press-releases/item22035.aspx>]

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