

Services

Labor & Employment
OFCCP Compliance

Business Insurance: Husch Blackwell's Molly Kurt on OFCCP Proposal for Federal Contractors to Maintain a 7 Percent Disabled Workforce

Husch Blackwell Labor & Employment attorney Molly Kurt was quoted in a Jan. 1, 2012, *Business Insurance* article about a proposed federal rule which would set a new goal of having 7 percent of federal contractors and subcontractors' workforce be people with disabilities. The rule would also require the percentage minimum to be met in each job, as opposed to the workplace overall. The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) reported the unemployment rate for people with disabilities is 13 percent, 1.5 times the rate of those without disabilities, and the actions contractors would have to take are similar to those already in place to promote equality for women and minorities in the workplace. The article covers employers' concerns about the proposal's implementation challenges: finding the necessary number of qualified disabled persons, getting those employees to voluntarily self-identify as disabled, and producing paperwork and annual reports on its workforce. Kurt said, "Everybody agrees that it's good for our workforce and our country to get qualified disabled people working. But the bigger question is how to do that effectively and without imposing ineffective burdens on employers." Kurt goes on to explain the self-identification challenge that historically, "employers have had very low numbers" of persons who will readily identify themselves as disabled. In addition, "Employers have been conditioned for years not to ask about disabilities," Kurt said, "so it would be a sea of change for them to begin asking current employees and applicants for their disabled status." The article also suggests that requesting such information from employees and applicants

might actually lead to more charges of disability discrimination. The OFCCP published its proposal in the *Federal Register* in Dec. 2011 and is accepting comments on it until Feb. 7, 2012.