

# What is Section 503 of the Rehabilitation Act? And How Can We Defend it?

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Disability Rights Education & Defense Fund



# Today's Presenters

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Legal Director, Disability Rights Education and Defense Fund

Also available for Q&A:

**Taryn Mackenzie Williams** (she, her), Former Assistant Secretary for Disability Employment Policy at US Department of Labor (tentative)



# What is Section 503 of the Rehabilitation Act? And How Can We Defend It?

## Agenda

- Section 503 and the 2013 Section 503 regulations – Jennifer
- Proposed rescissions – Claudia
- Importance of data collection and action requirements – Jennifer, Claudia
- How to oppose the rescissions – Claudia
  - Template Comment
  - Submitting on Regulations.gov
- Questions and Answers – Jennifer, Claudia, Taryn

# Section 503 and the 2013 Regulations





# **Section 503 of the Rehabilitation Act of 1973**

## **29 U.S.C. § 793**

Any party with a contract in excess of \$10,000 [now adjusted to \$15,000] with any federal department or agency “shall take affirmative action to employ and advance in employment qualified individuals with disabilities.” 29 U.S.C. § 793(a).

Individuals with disabilities may file a complaint with the Department of Labor. “The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant, consistent with the terms of such contract and the laws and regulations applicable thereto.” 29 U.S.C. § 793(b).

- Note: the agency in the Department of Labor (DOL) that oversees requirements for federal contractors is the Office of Federal Contract Compliance Programs (OFCCP)

## Goal of Section 503

The federal government has choices in the entities with which it does business. Having a contract with the federal government is not a right but a privilege. Congress has ordered DOL to require that contractors selected “shall take affirmative action to **employ** and **advance** in employment qualified individuals with disabilities.”

Data collection about applicants and employees, with a goal to measure progress, is a direct and obvious way to implement Congress’s directive.

# History and Basis of 2013 Regulations

## Extensive rulemaking process by OFCCP

- 2010 Advanced Notice of Proposed Rulemaking
- 2011 NPRM, reviewing 127 comments
  - 60-day comment period extended 14 days
- 2013 Final Rule, reviewing over 400 comments

## 2011 NPRM cited the U.S. Department of Labor's Bureau of Labor Statistics (BLS):

- 21.8% of people with disabilities aged 16+ in labor force in 2010, compared with 70.1% of individuals without disabilities aged 16+
  - BLS 2025 data: 24.5% (disabled) compared to 68.1% (nondisabled)
- unemployment rate for people with disabilities aged 16+ was 14.8%, compared with an unemployment rate of 9.4% individuals without disabilities aged 16+
  - BLS 2025 data: 7.5% (disabled) compared to 3.8% (nondisabled) in 2024

# 2013 Regulations Implementing Section 503

## 41 C.F.R. Part 60-741

Contractors with 50+ employees & \$50,000+ contract

Employment **goal of 7%** people with disabilities, 41 C.F.R. § 60-741.45(a)

- Goal is benchmark that should be reached if contractor adopts affirmative action policies, 41 C.F.R. § 60-741.45(b)
- OFCCP must periodically review and update goal, 41 C.F.R. § 60-741.45(c)

Periodic invitations to **voluntarily self-identify** as a person with a disability

- **Applicants**, 41 C.F.R. §§ 60-741.23(c), 60-741.42(a)
- **After a job offer** (before employment), 41 C.F.R. § 60-741.42(b)
- **During employment** – year one and every five years after, 41 C.F.R. § 60-741.42(c)



# 2013 Regulations Implementing Section 503 (Continued)

## 41 C.F.R. Part 60-741

Contractors with 50+ employees & \$50,000+ contract

### Annual evaluation with action steps

- Compare data collected to 7% goal, 41 C.F.R. § 60-741.45(d)(3)
  - Larger contractors (> 100 employees) in each job group
  - Smaller contractors across entire workforce
- Identify problem areas where 7% goal is not reached, 41 C.F.R. § 60-741.45(e)
- Implement **“action-oriented programs”** designed to correct problem areas, 41 C.F.R. § 60-741.45(f) such as modified personnel processes and alternative or additional outreach and recruitment efforts

# 2013 Regulations Implementing Section 503 (part 3)

## 41 C.F.R. Part 60-741

Contractors with 50+ employees & \$50,000+ contract

Required elements of Section 503 affirmative action program:

- Equal opportunity statement in accessible places and formats, 41 C.F.R. § 60-741.44(a)
- Review of personnel processes to avoid stereotype, ensure access (including in technology), provide reasonable accommodation, avoid unnecessary “screen out,” prevent harassment, etc., 41 C.F.R. § 60-741.44(b), (c), (d), (e)
- “Appropriate outreach and positive recruitment activities” such as to disability-related entities, students with disabilities, etc., 41 C.F.R. § 60-741.44(f)

**NEW IN 2013: Annual analysis of data** about applicants and employees – # of applicants with disabilities; # of job openings & jobs filled; total # of applicants; # of applicants with disabilities hired; total # of applicants hired, 41 C.F.R. § 60-741.44(k)

# Why does workforce data and analysis matter?

“When you can measure what you are speaking about, and express it in numbers, you know something about it,”

- Lord Kelvin, British physicist (1889)

“What gets measured gets done,”

- Pat A. Shiu, Director of OFCCP, in Ability Magazine

# Impact of 2013 Section 503 Regulations



# Impact of 2013 Regulations

Most contractors surveyed (57.1%) changed their affirmative action goals in response to the 2013 regulations (“to a great extent” or “somewhat”)

Large majorities of contractors reported they are using or plan to use the disability self-identification data to:

- assess progress toward the 7% utilization goal (90%)
- gauge success in outreach and recruitment (87%)
- assess progress in hiring (86%)
- assess progress in retention (66%)
- review progress in advancement (61%)

Most contractors initiated or increased recruitment efforts and improved employment policies for people with disabilities

Source: Enayati and von Schrader (2020)

# Impact of 2013 Regulations (part 2)

Between 2015 and 2020, contractors subject to OFCCP jurisdiction reported 10,103 hires of people with disabilities, about 2,000 hires per year

Between October 2018 to June 2020, the number of federal contractors reporting to OFCCP that they had met the 7% goal increased substantially, from 85 to 356

- Note: Federal contractors – more than 200,000 nationwide – do not routinely report their data to OFCCP, but do so in the specific situations such as periodic compliance reviews

Source: National Council on Disability, 2020 Progress Report on National Disability Policy, Increasing Disability Employment



# Impact of 2013 Regulations (part 3)

See also federal government employment, affirmative action required by 29 U.S.C. § 791(b)

- more years of employment goals for people with disabilities and more transparent data
- October 2003: Management Directive 715 (EEOC)
- January 2017: 12% goal for persons with disabilities and 2% goal persons with targeted disabilities (EEOC)
- reported outcomes:
  - from 2011 to 2015, 143,600 persons with disabilities were hired, exceeding goal of 100,000 (GAO)
  - from 2016 to 2018, the 12% federal sector hiring goal for persons with disabilities was exceeded in 2014 and 2015 and the 2% hiring goal was reached in 2018 (Congressional Research Service)

# **Proposed Rescissions to Section 503 Regulations**



# Proposed Rescissions

## Docket No. OFCCP-2025-0003

- All references to 7% goal for employment of people with disabilities
- All references to invitations to self identify as a person with a disability
- All references to data collection related to people with disabilities
- All references to analysis of data collected about people with disabilities to identify problem areas – and responsive actions to remedy problem areas

Read the [proposal published in the Federal Register here](#).

NOTE: The 2025 proposal also adds procedural regulations. These would replace the procedures which DOL proposes to delete due to the Administration's rescission of the President Johnson's 1964-era EO 11246 (regarding contractor affirmative action related to race and sex).

# **How to oppose the proposed rescissions to the Section 503 regulations**

# How to Oppose Gutting Section 503

First, check the deadline and make sure you have a plan:

- Here the deadline is Tuesday, September 2, 2025 at 11:59 PM EDT (8:59 pm Pacific Time)

Second, write your comment to the OFCCP about the Section 503 rules.

- Tell OFCCP why you care about affirmative action in employment for people with disabilities.
- Say why they should not get rid of the rules about looking at the data and making a plan to reach the 7% goal.

You can download a template from DREDF and edit it to make it your own.

The most important parts of the comment are:

- Telling OFCCP more about yourself and/or your organization
- Saying why you care about the employment of people with disabilities

# How to Oppose Gutting Section 503 (part 2)

Third, file your comment online

Go to this link, called Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act, <https://www.regulations.gov/document/OFCCP-2025-0003-0001>

Select the blue Comment button

The screenshot shows the Regulations.gov website interface. At the top, there is a blue header with the 'Regulations.gov' logo and a 'SUPPORT' button. Below the header, a navigation bar shows 'View Docket' and 'PROPOSED RULE'. The main title is 'Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act', posted by the Office of Federal Contract Compliance Programs on Jul 1, 2025. A 'Comment' button is visible. A box indicates the comment period ends on Sep 2, 2025 at 11:59 PM EDT. The page has two tabs: 'Document Details' and 'Document Comments' (which is selected and shows 132 comments). The 'Document Details' tab is active, showing the document ID 'OFCCP-2025-0003-0001' and 'Comments Received: 137'. The 'Content' section shows the 'ACTION' as 'Proposed rule; request for comments.' and the 'SUMMARY' as 'The U.S. Department of Labor proposes to revise its implementing regulations for Section 503 of the Rehabilitation Act of 1973, as amended. The proposed revisions will better align the regulations with recent case law and executive orders, including Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity" and Executive Order 14219, "Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative."



# How to Oppose Gutting Section 503 (part 3)

The next screen will look like this, it will say at the beginning, “You are commenting on a Rule by the Office of Federal Contract Compliance Program”.

You can write your comment right in the Comment box if it fits. To fit, your comment must be less than 5,000 characters.

The screenshot shows the Regulations.gov website interface for commenting on a proposed rule. At the top, the header includes the 'Regulations.gov' logo with the tagline 'Your Voice in Federal Decision Making' and a 'SUPPORT' button. Below the header, a blue bar indicates the user is commenting on a Proposed Rule by the Office of Federal Contract Compliance Programs, with a 'Comment Period Ends: 16 Days' timer. The main heading is 'Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act'. The 'Write a Comment' section includes a 'Commenter's Checklist' and a link to 'Public Comments on Federal Regulations'. A large text area for the comment is provided, with a character count of 5000. Below the comment box is an 'Attach Files' section with a note about file limits and a list of supported file types. A dashed box for file uploads contains the text 'Drop files here or' and a 'Browse...' button.

Regulations.gov  
Your Voice in Federal Decision Making

SUPPORT

You are commenting on a Proposed Rule by the Office of Federal Contract Compliance Programs

Comment Period Ends: 16 Days

Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act

Write a Comment

Commenter's Checklist  
Public Comments on Federal Regulations

Comment\*

Start typing comment here...

5000

Attach Files

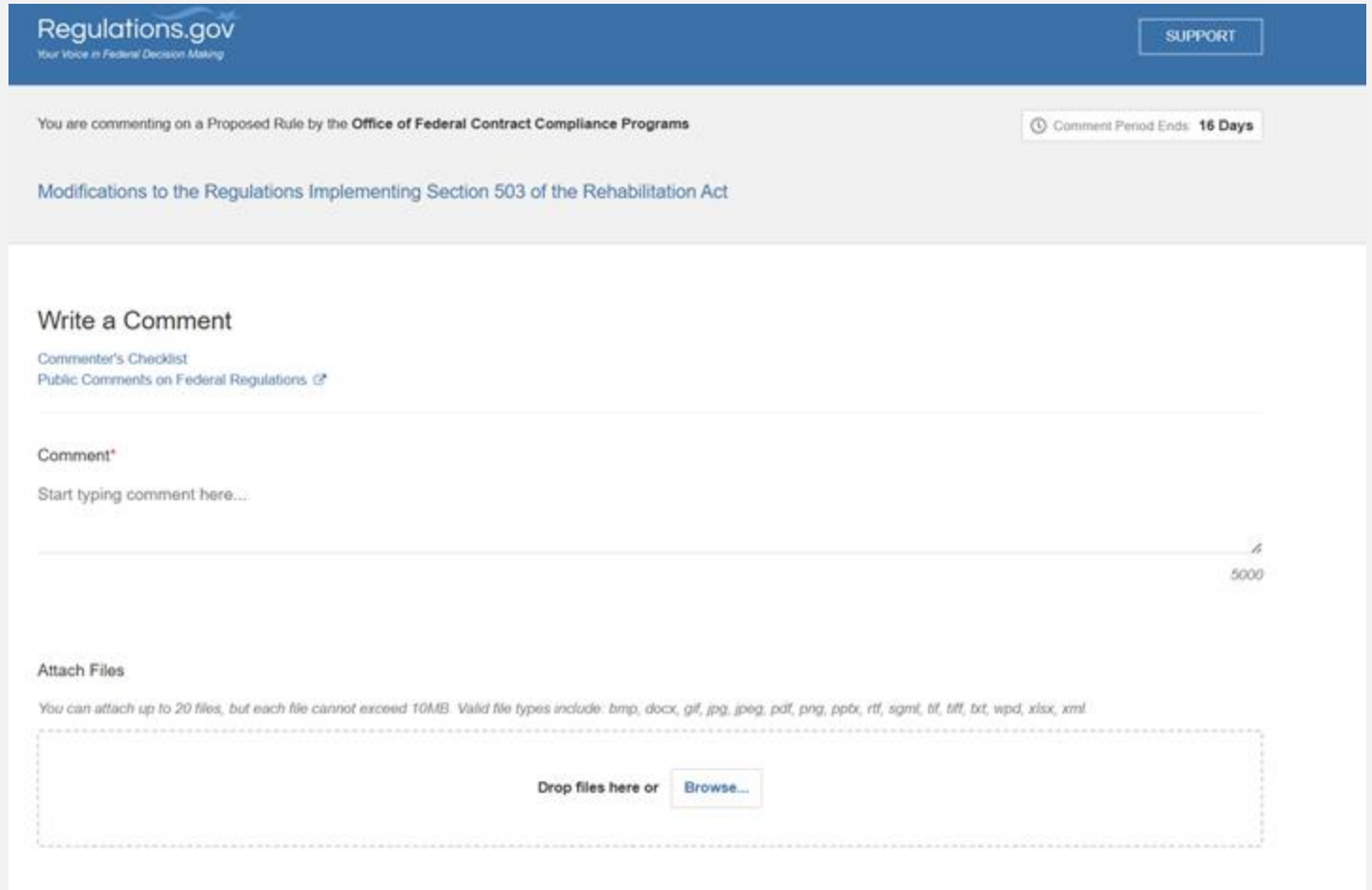
You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, ppbx, rtf, sigml, tif, tiff, txt, vpd, xlsx, xml

Drop files here or Browse...

# How to Oppose Gutting Section 503 (part 4)

You can also write your comments in a document like a Word or PDF file. The document can be longer than 5,000 characters.

Then, you can attach the file with your comments. Write a cover note in the Comment box such as “See attached letter.” The comment box is a required field.



The screenshot shows the Regulations.gov website interface for commenting on a proposed rule. At the top, the header includes the "Regulations.gov" logo with the tagline "Your Voice in Federal Decision Making" and a "SUPPORT" button. Below the header, a navigation bar indicates the user is commenting on a Proposed Rule by the Office of Federal Contract Compliance Programs, with a "Comment Period Ends: 16 Days" timer. The main heading is "Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act". The "Write a Comment" section includes a "Commenter's Checklist" and a link to "Public Comments on Federal Regulations". A large text area for the comment is shown with a "5000" character limit indicator. Below the comment box is the "Attach Files" section, which includes a note about file limits (up to 20 files, each under 10MB) and a list of supported file types (bmp, docx, gif, jpg, jpeg, pdf, png, ppbx, rtf, sigml, tif, tiff, txt, vpd, xlsx, xml). A dashed box for file uploads contains the text "Drop files here or" and a "Browse..." button.

# How to Oppose Gutting Section 503 (part 5)

Then you must fill out the rest of the fields:

- Email address (optional)
- Whether you are an individual, organization, or anonymous

If Organization, fill in:

- Organization Type (drop-down menu)
- Organization Name

The screenshot shows a web form for submitting a comment on Regulations.gov. The 'Email Address' field is at the top, followed by an optional checkbox for email confirmation. Below this is the 'Tell us about yourself' section, which asks the user to select an identity. Three options are presented: 'An Individual' (with a person icon), 'An Organization' (with a building icon and a green checkmark, indicating it is the selected option), and 'Anonymous' (with a question mark icon). Each option includes a brief description. Below the identity selection is a section for 'Your Organization Information' with fields for 'Organization Type' (a dropdown menu) and 'Organization Name'. A note states that the email address field is not available for anonymous submissions. At the bottom, there is a reCAPTCHA widget and a 'Submit Comment' button. A disclaimer at the very bottom states that personally identifiable information may be publicly disclosed and that users agree to the terms of participation and privacy notice by submitting a comment.

Email Address

Email Address

☐ Opt to receive email confirmation of submission and tracking number? If you choose to identify as Anonymous, the option to receive an email confirmation will not be displayed. (We will never post the email address entered in the field above on Regulations.gov nor share it with anyone else.)

Tell us about yourself! I am...  
(Select an identity below)

**An Individual**  
Yourself or another person whom you represent with their consent

**An Organization**  
A company, organization, or government agency

**Anonymous**  
A person who does not want their name associated with the comment

**Your Organization Information**

Organization Type \*  
Select an Organization Type

Organization Name \*  
Organization Name

Note: If you choose to identify as Anonymous, the option to enter your email address for submission confirmation is not available.

reCAPTCHA \*

☐ I'm not a robot

Do not submit personally identifiable information through this form. Any personally identifiable information (e.g., name, address, phone number) included in the comment form or in an attachment may be publicly disclosed in a docket or on the Internet (via Regulations.gov, a federal agency website, or a third-party, non-government website with access to publicly-disclosed data on Regulations.gov). By submitting a comment, you agree to the [terms of participation](#) and [privacy notice](#).

Submit Comment

# How to Oppose Gutting Section 503 (part 6)

If Individual, fill in:


- First and Last Name
- City, State, Zip, Country, Phone (all optional)

Email Address


Email Address

☐ Opt to receive email confirmation of submission and tracking number? If you choose to identify as Anonymous, the option to receive an email confirmation will not be displayed. (We will never post the email address entered in the field above on Regulations.gov nor share it with anyone else.)


Tell us about yourself I am...  
(Select an identity below)



An Individual  
Yourself or another person whom you represent with their consent




An Organization  
A company, organization, or government agency



Anonymous  
A person who does not want their name associated with the comment

☒

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 Your Contact Information

First Name \*  
First Name

Last Name \*  
Last Name

City  
City

State  
Select a State

Zip  
Zip


Country  
United States

Phone  
Phone

Note: If you choose to identify as Anonymous, the option to enter your email address for submission confirmation is not available.

reCAPTCHA \*

☐ I'm not a robot



Do not submit personally identifiable information through this form. Any personally identifiable information (e.g., name, address, phone number) included in the comment form or in an attachment may be publicly disclosed in a docket or on the Internet (via Regulations.gov, a federal agency website, or a third-party, non-government website with access to publicly-disclosed data on Regulations.gov). By submitting a comment, you agree to the [terms of participation](#) and [privacy notice](#).

Submit Comment

# How to Oppose Gutting Section 503 (part 7)


Finally, complete the reCAPTCHA (required) and click on the blue Submit Comment button

Email Address


Email Address

☐ Opt to receive email confirmation of submission and tracking number? If you choose to identify as Anonymous, the option to receive an email confirmation will not be displayed. (We will never post the email address entered in the field above on Regulations.gov nor share it with anyone else.)


Tell us about yourself I am...  
(Select an identity below)



An Individual  
Yourself or another person whom you represent with their consent




An Organization  
A company, organization, or government agency



Anonymous  
A person who does not want their name associated with the comment

✓

---

 Your Organization Information

Organization Type \*

Organization


Organization Name \*

Disability Action Network

Note: If you choose to identify as Anonymous, the option to enter your email address for submission confirmation is not available.

reCAPTCHA \*

✓ I'm not a robot



Do not submit personally identifiable information through this form. Any personally identifiable information (e.g., name, address, phone number) included in the comment form or in an attachment may be publicly disclosed in a docket or on the Internet (via Regulations.gov, a federal agency website, or a third-party, non-government website with access to publicly-disclosed data on Regulations.gov). By submitting a comment, you agree to the [terms of participation](#) and [privacy notice](#).

Submit Comment

# We Still Have Rights!

The OFCCP cannot change statutes enacted by Congress or by our state Legislatures

We can still:

- Watch out for and call out disability discrimination by federal contractors
- Ask for accommodations at work
- File discrimination complaints with federal agencies, including the Equal Employment Opportunities Commission
- File discrimination complaints with state agencies
- File a case in state or federal court
- Consult an attorney to assist with any of the above



# Make Our Voices Heard!

- File comments opposing OFCCP's proposals
  - **By Tuesday, September 2, before midnight Eastern Time / before 9 pm Pacific Time**

Nothing  
about us  
without us

Photo by Disabled and Here



# Questions and Answers