Date [on or before September 2, 2025]

Via Email ofccp\_guidance@dol.gov

And filed at <https://www.federalregister.gov/documents/2025/07/01/2025-12233/modifications-to-the-regulations-implementing-section-503-of-the-rehabilitation-act-of-1973-as>

Catherine L. Eschbach

Director, OFCCP

200 Constitution Avenue NW

Washington, DC 20210

RE: Docket No. OFCCP-2025-0003, Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act of 1973, as Amended – OPPOSE

Dear Director Eschbach:

My name is [FILLIN] and I am [DESCRIBE: if individual, describe yourself and your connection to disability community; if for an organization, describe your organization]. I am writing to oppose the proposed deletions of the regulations implementing Section 503 of the Rehabilitation Act. [state why you care about the employment and economic well-being of people with disabilities]

People with disabilities are far less likely than people without disabilities to be in the labor force. About 41% of working-aged (aged 16 to 64) people with disabilities participate in the labor force, compared to about 75% of people without disabilities. Similarly, working-aged people with disabilities in the labor force are twice as likely to be unemployed. More than 8% of disabled people are unemployed, compared to 4% of people without disabilities. *See* Department of Labor, Bureau of Labor Statistics, “Employment status of the civilian noninstitutional population by disability status and age, 2023 and 2024 annual averages” (Feb. 25, 2025), <https://www.bls.gov/news.release/disabl.a.htm>. As a result, more than 24% of people with disabilities aged 18 to 64 live in poverty, compared to 9.9% of nondisabled people. Center for Research on Disability, 2025 Compendium (2025), <https://www.researchondisability.org/annual-disability-statistics-collection/2025-compendium-table-contents/section-6-poverty-compendium-2025>.

To improve the lives of people with disabilities, employers must take affirmative steps to recruit, hire, retain, and promote qualified people with disabilities. Congress has recognized this imperative by enacting and reenacting Sections 501 and 503 of the Rehabilitation Act of 1973. Through these laws, Congress has **ordered** federal agencies and contractors to take affirmative action to employ people with disabilities. 29 U.S.C. §§ 791(b) (each federal employer shall submit “an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities”), 793(a) (employers with federal contracts worth more than $15,000 “shall take affirmative action to employ and advance in employment qualified individuals with disabilities”).

From 2010 to 2013, the Office of Federal Contract Compliance Programs (OFCCP) wrote and finalized common-sense and action-oriented rules to implement Section 503. Under the rules, large federal contractors – those with more than 50 employees and contracts over $50,000 – must invite applicants and employees to voluntarily self-identify as people with disabilities so that the contractors have disability data about their workforce. The contractors must then analyze this data using a 7% goal. The 7% goal is a benchmark to measure progress. Contractors should try to reach a workforce with 7% qualified people with disabilities (including 7% in each job group for contractors with more than 100 employees). If the numbers show problem areas in the recruitment, hiring, retention, or advancement of qualified disabled workers, then the contractor should implement an action plan to correct the problems. The action plan could include modified personnel processes and alternative or additional outreach and recruitment efforts.

In finalizing the 2013 rules, OFCCP considered data and hundreds of comments throughout a rulemaking process that extended over three years. The 2013 rules were and are supported by the persistent significant disparities in labor force participation by people with disabilities and employment of people with disabilities. See OFCCP, Advance Notice of Proposed Rulemaking, 75 Fed. Reg. 43116 (July 23, 2010), <https://www.federalregister.gov/d/2010-18104/p-18>; Notice of Proposed Rulemaking, 76 Fed. Reg. 77056 (Dec. 9, 2011), <https://www.federalregister.gov/d/2011-31371/p-15>; Final Rule, 78 Fed. Reg. 58682 (Sept. 24, 2013), <https://www.federalregister.gov/d/2013-21228/p-268>.

The OFCCP adopted the modest 7% goal based on the Census Bureau’s American Community Survey (ACS). The ACS shows that 5.7 percent of the civilian labor force has a disability as defined in that survey. The OFCCP added 1.7 percentage points based on ACS’s count of disabled individuals who identified as having an occupation but were not currently working, and then rounded the 7.4 number down to avoid a false impression of precision. 78 Fed. Reg. at 58705, <https://www.federalregister.gov/d/2013-21228/p-258>. Although based on the ACS, the OFCCP goal includes people with any disability as defined by the ADA. The ADA uses a broad definition of disability which is generally thought to encompass at least one in four people. *Cf.* Centers for Disease Control and Prevention, Disability and Health Data System (Apr. 8, 2025) (according to 2022 data, more than a quarter of adults in the United States (28.7%) report having a functional disability), <https://www.cdc.gov/disability-and-health/articles-documents/disability-and-health-data-now.html>. The 7% goal is lower than the 12% benchmark applied to federal employers.

The OFCCP rules for collecting disability data by inviting applicants and employees to voluntarily self-identify as people with disabilities are also well-founded. The federal government has long followed similar procedures in collecting voluntary demographic data about its own employees. See EEOC, Management Directive 715 (Oct. 1, 2003), <https://www.eeoc.gov/federal-sector/management-directive/section-717-title-vii>; Affirmative Action for Individuals With Disabilities in Federal Employment, 82 Fed. Reg. 654 (Jan. 3, 2017), <https://www.federalregister.gov/documents/2017/01/03/2016-31397/affirmative-action-for-individuals-with-disabilities-in-federal-employment>. Data collection is plainly needed to further Congress’s direction and intent – there is no way to measure progress in the employment of people with disabilities without information about how many employees have disabilities. The data collection is voluntary and includes safeguards for workers. 41 C.F.R. § 60–741.42(d), (e).

The Section 503 rules have already shown success in strengthening employer commitment to the hiring, retention, and advancement of qualified people with disabilities. In 2017, researchers at the Cornell University School of Industrial and Labor Relations surveyed hundreds of federal contractors about the 2013 rules. They found that large majorities of federal contractors were using or planning to use the disability self-identification data to assess their progress toward the 7% utilization goal (90%), gauge success in outreach and recruitment (87%), assess progress in hiring (86%), assess progress in retention (66%), and review progress in advancement (61%). Hassan Enayati & Sarah von Schrader, “Initial Impact of Section 503 Rules: Understanding Good Employer Practices and the Trends in Disability Violations Among Federal Contractors” (June 15, 2020), <https://ecommons.cornell.edu/items/8049263c-ab97-4437-b008-9f725be73f71>.

There is even more information about the EEOC’s similar requirement for federal agencies. Federal employers must collect and maintain disability data and work toward a 12% goal for people with disabilities, including a 2% subgoal for people with targeted disabilities. Reports from the U.S. Government Accountability Office (GAO) and the Congressional Research Service (CRS) show promising results from these analogous efforts. GAO, “Disability Employment: Hiring Has Increased but Actions Needed to Assess Retention, Training, and Reasonable Accommodation Efforts” (June 11, 2020) (from 2011 to 2015, 143,600 persons with disabilities were hired, exceeding goal of 100,000), <https://www.gao.gov/products/gao-20-384>; Kathleen E. Marchsteiner and Taylor N. Riccard, “Federal Hiring of Persons with Disabilities” (CRS, Nov. 28, 2022) (between 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), <https://www.congress.gov/crs-product/R47316>.

It is critically important to keep the 7% goal and the requirement that contractors invite applicants and employees to voluntarily self-identify as having a disability. Without a benchmark, and without knowledge about the number of people with disabilities in the applicant pool and workforce, it would be nearly impossible for a contractor to conduct a meaningful affirmative action program to employ and advance people with disabilities.

Now is not the time to backtrack on the inclusion of qualified people with disabilities in the workforce. I oppose the harmful proposed changes to the Section 503 regulations.

Sincerely,

NAME

Affiliation [if any]