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BLOGS

Legislation and Rulemaking

New Government Contractor Affirmative Action Requirements Took Effect Last Month

The Office of Federal Contract Compliance Programs recently announced final rules changing federal contractors' affirmative action requirements for individuals with disabilities under section 503 of the Rehabilitation Act and protected veterans under the Vietnam Era Veterans' Readjustment Assistance Act. The final rules became effective March 24, 2014. These new rules mandate various changes to the content and implementation of contractors' affirmative action plans for these protected classes. Compliance with some changes was required by March 24, while other changes can be implemented by the time of the next annual update of the contractors' Affirmative Action Plan ("AAP"). Notices, contract language, and advertisements, among other things, need to be revised to comply with the new regulations.

The new federal affirmative action rules for protected veterans apply to most contractors and covered subcontractors with contracts of at least \$100,000 in value. There are additional requirements for those with fifty or more employees. The new rules for individuals with disabilities apply to federal contractors and covered subcontractors that have contracts of at least \$10,000 in value, with additional requirements for contractors with fifty or more employees and a contract of at least \$50,000 in value.

By the start of the contractors' next plan year, additional requirements will take effect, including a requirement to extend offers to applicants and employees to self-identify as members of these protected classes, revisions to internal and external notices, and revisions to policies. Contractors must update the language in their next AAP to comply. The regulations also establish new hiring goals for individuals with disabilities and for protected veterans. Contractors will need to make changes in their efforts to recruit individuals with disabilities and protected veterans, measure their effectiveness, and compile reports documenting efforts and remedial measures where appropriate.

Gray Plant Mooty has developed a packet and implementation plan to bring contractors' affirmative action programs into compliance with the new regulations. Contractors are invited to contact Kathryn Nash (612.632.3273, kathryn.nash@gpmlaw.com) or Pamela Kovacs (612.632.3406, pamela.kovacs@gpmlaw.com) for more details.

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