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## Affirmative Action and People With Disabilities

### What is affirmative action?

Affirmative action is a set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. It includes expanded outreach, recruitment, mentoring, training, management development and other programs designed to help employers hire, retain and advance qualified workers from diverse backgrounds, including persons with disabilities. Affirmative action means inclusion, not exclusion. Affirmative action does not mean quotas and is not mandated by the Americans with Disabilities Act.

### Why should people with disabilities be included in affirmative action programs?

To increase the pool of qualified job applicants available for hiring. Nearly one half of working age people with disabilities are unemployed. Any one of these individuals may be the best person for the job an employer is seeking to fill.

To obtain diverse skills, viewpoints and backgrounds in the workforce that can lead to improvements in the bottom line. Including employees with disabilities on product development, marketing, advertising and sales teams can help employers gain insight about how best to tap into and serve the disability community.

To demonstrate to customers a commitment to equal employment opportunities. Consumers with disabilities control more than \$175 billion in discretionary income. They, like all consumers, are more likely to patronize businesses where they feel welcome. Accessible stores, products and services, along with employees with disabilities, will help customers with disabilities feel that their business is appreciated.



To comply with the following laws. Section 503 of the Rehabilitation Act of 1973, as amended, and Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), as amended, require federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to disability or status as a Vietnam era or "special disabled" veteran. Government contracts of more than \$10,000 must include a clause that a contractor agrees to take affirmative action to employ, advance in employment, and treat qualified individuals with disabilities without discrimination in all employment practices. When a government contractor has 50 or more employees and a contract of \$50,000 or more, the contractor also must prepare and maintain an affirmative action program.

As part of this program, contractors are obligated to institute outreach and recruitment efforts to employ and advance qualified individuals with disabilities at all levels of employment, including the executive level. The U.S. Department of Labor is responsible for administering Sections 503 and 4212 through its Office of Federal Contract Compliance Programs (OFCCP). If OFCCP determines that a contractor has violated these provisions, it may impose a variety of sanctions, including canceling, terminating or suspending a contract or debarring the contractor from future government contracts.

## **What are the components of a successful affirmative action plan to recruit, employ, and advance people with disabilities?**

OFCCP regulations implementing Section 503 of the Rehabilitation Act require covered federal contractors and subcontractors to develop affirmative action plans that include the 10 major components outlined below. These are equally effective for employers that are voluntarily implementing affirmative action plans. An employer should:

- ✓ Assign a company official to be responsible for the implementation of affirmative action activities.
- ✓ Prepare and post an equal opportunity policy statement.
- ✓ Review personnel processes to ensure job applicants and employees with disabilities are considered for all job vacancies and training opportunities, and are not stereotyped in a manner which limits their access to all jobs for which they are qualified.
- ✓ Review all job qualification standards to ensure that they are job-related for the position in question and consistent with business necessity.
- ✓ Make reasonable accommodations to the known functional limitations of otherwise qualified individuals with disabilities.
- ✓ Develop and implement procedures to ensure that employees with disabilities are not harassed because of disability.
- ✓ Undertake appropriate outreach and positive recruitment activities such as:
  1. establishing formal arrangements for applicant referrals with recruitment sources such as state employment security agencies, state vocational rehabilitation agencies, college placement offices, labor organizations and organizations of or for individuals with disabilities;
  2. participating in work-study programs with schools which specialize in training or educating individuals with disabilities;
  3. including current employees with disabilities in promotional literature and career programs;
  4. sending written notification of company affirmative action policy to subcontractors, vendors and suppliers; and considering applicants with known disabilities for all available positions for which they may be qualified, not just for which they have applied.
  5. Train all personnel involved in recruitment, screening, selection, promotion, disciplinary action and related processes to ensure that affirmative action steps are taken.
  6. Develop procedures to disseminate information about affirmative action policies within a company in order to ensure greater employee cooperation and participation.
  7. Design and implement an audit and reporting system to measure the effectiveness of an affirmative action program. Where an affirmative action program is found to be deficient, actions must be taken to remedy the situation.

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## **Where can I obtain additional information?**

Internet: <http://www.dol.gov/esa/>.

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**Source:** U.S. Department of Labor, Office of Disability Employment Policy. (Updated 2003, April). Affirmative action and people with disabilities. Retrieved June 9, 2008, from <http://www.dol.gov>

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