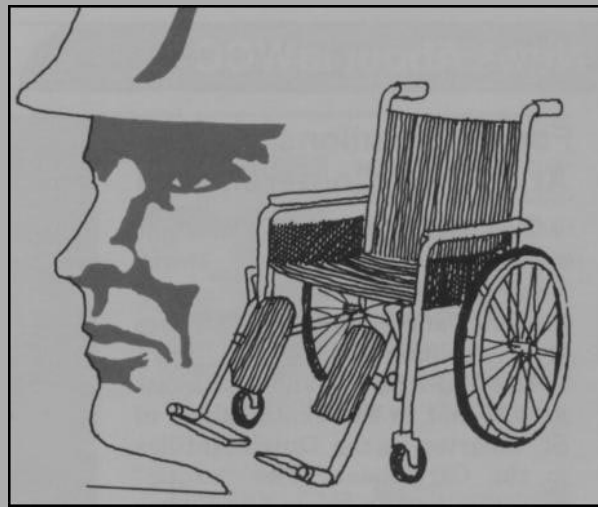


# Affirmative Action Required For Hiring the Handicapped



You must now take affirmative action to hire and promote qualified handicapped persons if you want to qualify for direct federal government contracts.

In new regulations issued by the Department of Labor under the Rehabilitation Act of 1973, thousands of contractors and subcontractors will be effected because all direct contracts with the federal government that exceed \$2,500—including construction—are subject to the new rules.

Federally-assisted contracts, for all intents and purposes, do not come under the regulations.

The regulations essentially prohibit contractors and subcontractors from discriminating against an employee or job applicant who is physically or mentally handicapped but is qualified to do a job.

This means that handicapped persons must be treated equally in all employment practices. This includes hiring, demotion or transfer, upgrading, layoff or termination, pay rates and other forms of compensation, and selection for training or apprenticeship.

## Varies With Contract Size

The level of affirmative action responsibility varies with the size of the contract and the length of time needed to fulfill it.

All federal contracts now involving more than \$2,500 will include clauses ensuring affirmative action for the handicapped. If the contract extends for more than 90 days and involves up to \$500,000 the contractor is required to prepare an affirmative action program and make it available to all employees in published form,

review the program annually, and designate a responsible official to operate the program.

Records will need to be made available to government contracting officials, and the contractor must post a notice of the company's responsibility to handicapped employees at the workplace.

## Must File Plan

Should the contract or subcontract involve more than \$500,000, the employer must do all of the above, plus file a copy of its affirmative action plan with the Labor Department within 90 days after the contract is awarded, and submit an annual report by March 31 summarizing the affirmative action plan and its results.

## Suggested Steps You Can Take

While the regulations do not specify what constitutes an appropriate affirmative action program, they do list several suggested steps with the proviso that a contractor is not required to undertake all of them:

1. Communicate with your employees to encourage their support in the obligation.
2. Set up reasonable internal procedures to insure the program's implementation.
3. Communicate to your employees periodically of the commitment to hire the handicapped.
4. Gain the help and support from recruitment agencies, educational institutions, and social service organizations who can provide qualified handicapped employees.
5. Advertise your commitment to hire the handicapped, and to explain your affirmative action program.

Beginning January 1, 1976, each prospective contractor or subcontractor will be reviewed by the Department of Labor to determine his suitability as a responsible contractor, based on past performance and "good faith" in hiring the handicapped.

Furthermore, employers are expected to provide accommodations to the physical and mental handicaps of employees, unless evidence shows that such an accommodation would be an undue hardship. Contracts essential to national security offer the only other compliance exemption.

In situations involving violations of the regulations, handicapped employees may file complaints with the Labor Department. First, though, they must seek redress from the employer and allow 60 days for the problem to be resolved.

If the contractor or subcontractor has no internal review procedure, the employee may go directly to the Labor Department.

Since the regulations went into effect with the publication in the Federal Register, some 20 plans had been filed as of Nov. 1, 1974, with the Employment Standards Administration (ESA). ESA has been responsible for the program from the beginning. By the end of the year there had been 60 complaints filed against employers.

To assist contractors and subcontractors in understanding their obligations under the regulations the ESA has published a "fact sheet" and a copy may be obtained by writing to: Employment Standards Administration, Room 5137, U.S. Department of Labor, Washington, D.C. 20210.