



DEPARTMENT OF MANAGEMENT
SERVICES

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August 17, 2007

MEMORANDUM

TO: Agency Personnel Officers
State Personnel System

FROM:  Sharon Larson, Director
Division of Human Resource Management

SUBJECT: Affirmative Action Plans for Individuals with Disabilities and Protected Veterans

Recently, the U.S. Department of Labor Office of Federal Contract Compliance (Jacksonville Area Office) asked us to schedule a workshop for them to discuss affirmative action and nondiscrimination requirements under Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans Readjustment Assistance Act of 1974. These federal laws require that employers who are federal government contractors or subcontractors have written affirmative action plans for individuals with disabilities, special disabled veterans, and veterans of the Vietnam Era. Such affirmative action plans must follow the requirements of Title 41, Parts 60-250 and 60-741 of the Code of Federal Regulations, which are different and separate from the affirmative action plan obligations applicable to women and minorities.

The above-mentioned workshop was held July 17, 2007 and, at the request of the Jacksonville Area Office, was open to all State Personnel System agencies so that they would have an opportunity to learn about these requirements for State organizations receiving federal funds. However, the Jacksonville Area Office was only able to confirm the applicability of these requirements to five agencies: the Department of Agriculture and Consumer Services, the Department of Children and Family Services, the Department of Corrections, the Department of Financial Services, and the Department of Transportation. Subsequently, other agencies have asked our office for guidance regarding their obligations under these federal provisions.

We have reviewed this issue and determined that the federal provisions in question do not apply to the State Personnel System as a whole, nor has the State elected to incorporate them throughout the State Personnel System through statute or other policy directive. In addition, these federal provisions may not be the only other equal employment opportunity/affirmative action requirements for which agencies also have individual responsibility as recipients of federal funds. Consequently, we advise that any agency that handles federal funds (even as a "pass through") consult with their federal sources to determine if the additional affirmative actions plans described above are required as a condition of their funding.

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The U.S. Department of Labor, Employment Standards Administration, Office of Federal Contract Compliance, has a helpful website that includes a Federal Contract Compliance Manual. This can be found at <http://www.dol.gov/esa/regs/compliance/ofccp/fccm/fccmanul.htm>.

We also encourage each agency to consult with their legal or civil rights office, as applicable, to ensure they are monitoring this and any other federal nondiscrimination/affirmative action requirement that may be unique to their program area(s) and not otherwise governed by State personnel policy.

We hope this information is helpful. However, if you believe there are any further questions or concerns that we can address, please let us know.

SDL/ag

cc: July 17, 2007 Workshop Participants