U.S. ABILITYONE COMMISSION

Policy 51.406
Effective Date: 08/09/2012

TITLE: EQUAL EMPLOYMENT OPPORTUNITY FOR PEOPLE WITH DISABILITIES AT ABILITYONE PARTICIPATING NONPROFIT AGENCIES

1. PURPOSE.

This document prescribes the policy and actions to ensure equal employment opportunities for people with disabilities at all levels of employment in nonprofit agencies participating in the AbilityOne® Program. The U.S. AbilityOne Commission (Commission) seeks to ensure that participating nonprofit agencies establish procedures to encourage equal opportunity in all types of employment vacancies and promotion of qualified individuals who are blind or have significant disabilities.

2. APPLICABILITY.

The policies prescribed herein apply to all nonprofit agencies participating in the AbilityOne Program, National Industries for the Blind (NIB), NISH, and the U.S. AbilityOne Commission.

3. AUTHORITY.

(a) 29 USC 793, Section 503 of the Rehabilitation Act of 1973, as amended
(b) 41 CFR 51-2.2, Powers and responsibilities
(c) 41 CFR 51-4.3(b)(2), Maintaining qualification

4. DEFINITIONS AND ACRONYMS.

Term	Definition
Affirmative Action	Special efforts aimed at broadening employment opportunities for individuals who traditionally face job discrimination, including minorities, women, individuals with disabilities, and Vietnam-era veterans. Beyond simply avoiding discrimination, such special efforts encompass proactive policies and procedures in recruitment, training, hiring and promotion, assisting individuals in protected groups to compete equally with other applicants and employees. Written affirmative action programs specify the proactive policies and procedures to be used, assign management responsibility for implementation, and are reviewed and updated annually.
Equal Employment Opportunity	A commitment with regards to all personnel actions to avoid discrimination against any individual based on race, color, gender, religion, physical or mental disability, veteran status or national origin as communicated through a written policy.
Promotion	For purposes of AbilityOne reporting requirements, promotion is movement into a new job or workstation, direct or indirect labor, which involves higher wages, better benefits, increased supervisory/management responsibilities, or greater technical skills. Promotion does not include hiring individuals from a client or training status into a permanent employee status without any change in their job or workstation.

Term	Definition
OFCCP	U.S. Department of Labor's Office of Federal Contract Compliance Programs

5. RESPONSIBLITIES.

(a) The Commission's regulations require AbilityOne-participating nonprofit agencies to comply with Department of Labor (DOL) standards for compensation, employment, and occupational health and safety standards, "including procedures to encourage filling of vacancies within the nonprofit agency by promotion of qualified employees who are blind or have other severe disabilities." The Commission has determined that to maintain AbilityOne qualification, participating nonprofit agencies must comply with applicable DOL requirements for Federal contractors to establish equal employment opportunity practices and affirmative action programs for people with disabilities.

(b) As Federal contractors, AbilityOne participating nonprofit agencies may also be subject to other DOL requirements. Specifically, nonprofit agencies must comply with applicable DOL affirmative action requirements that prohibit discrimination on the basis of race, color, gender, religion, veteran status and national origin, as well as requirements to establish written policies and affirmative action programs to promote employment and advancement of women, minorities, and Vietnam-era veterans, who have traditionally faced barriers to employment.

(c) The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is the Federal entity responsible for enforcement of equal employment opportunity and affirmative action programs for women, minorities, Vietnam-era veterans, and people with disabilities with regards to Federal contractors and subcontractors.

i. OFCCP regulations at 41 CFR Part 60-741, Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities, stipulate contractor obligations regarding equal employment opportunity and affirmative action for individuals with disabilities, as required by Section 503 of the Rehabilitation Act of 1973, as amended.

ii. OFCCP regulations at 41 CFR Chapter 60, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor, also stipulate contractor obligations regarding equal employment opportunity and affirmative action for women and minorities, as required by Executive Order 11246, and regulations at 41 CFR Part 60-250, Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans of the Vietnam Era, Recently Separated Veterans, and Other Protected Veterans, regarding Vietnam-era veterans, as required by the Vietnam Era Veterans Readjustment Assistance Act of 1974 (38 USC 4212).

iii. OFCCP enforces these regulations which prohibit discrimination and require written policies and affirmative action programs to ensure that all individuals have equal opportunities in employment and all other personnel actions.

6. POLICY.

(a) All participating nonprofit agencies with at least $10,000 in Government contracts must comply with applicable OFCCP regulations for equal employment of individuals with disabilities in accordance with 41 CFR Part 60-741, Subparts A and B. These regulations prohibit discrimination and require annual reaffirmation of a written policy stating that the agency is committed to providing equal employment opportunity in all personnel actions.

(b) All participating nonprofit agencies with 50 or more employees and Federal contracts of $50,000 or more must develop, implement, and review a written Affirmative Action Program annually to ensure equal opportunity for employment and advancement of people with disabilities in accordance with OFCCP regulations at 41 CFR Part 60-741, Subpart C.

(c) All participating agencies must report to the Commission, on Annual Certification Form 403 or 404, the number of persons with disabilities who have been promoted (according to the definition in this memorandum) during the fiscal recording year.

(d) All participating agencies must make affirmative action documentation available to the Commission, NIB, or NISH staff during on-site reviews.

(e) Failure to comply with Section 503 of the Rehabilitation Act and applicable OFCCP regulations regarding equal employment and affirmative action for people with disabilities is a violation of a nonprofit agency's AbilityOne compliance obligations under 41 CFR 51-4.3, Maintaining qualification, paragraph (b)(2). Such a failure may result in the termination of a nonprofit agency's eligibility to participate in the AbilityOne Program. Additionally, failure to comply with OFCCP regulations regarding affirmative action programs for women and minorities at 41 CFR Part 60, Vietnam-era veterans at 41 CFR Part 60-250, or people with disabilities at 41 CFR Part 60-741 may result in punitive actions by the OFCCP.

7. EXCEPTION TO POLICY.

None.

8. PROCEDURES.

None.

9. SUPERSESSION.

This policy supersedes Compliance Memorandum Number 9, Equal Employment Opportunity for People With Disabilities at JWOD Participating Nonprofit Agencies dated January 8, 1999 in its entirety.

APPROVED: E. Ballard **Date:** 8/9/2012

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