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## **Large Employers Ask Department of Labor to Reconsider Denial of Extension of Time to Review Proposed Rules Governing Federal Contractor Hiring of Individuals with Disabilities**

*HR Policy Association Disappointed With OFCCP's Decision to Deny More Time to Consider Labor Department's Proposed Changes to Affirmative Action Obligations Establishing a 7 Percent Hiring Benchmark to Determine Compliance*

**Washington, DC**—HR Policy Association, representing the chief human resource officers of more than 330 of the largest private sector employers in the United States, sent a letter today to Secretary of Labor Hilda Solis expressing disappointment and seeking reconsideration of the Office of Federal Contract Compliance Programs' summary denial of the Association's request for a 60 day extension to file comments on a Notice of Proposed Rulemaking (NPRM) on Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities. The regulatory proposal, which was characterized by the OFCCP Director as a "sea change" for affirmative action, would significantly change employment practices and redefine traditional notions of affirmative action, including the imposition of a seven percent utilization benchmark for persons with disabilities. Yet, the controversial 50 page proposal was issued on December 9, 2011 just as the nation was entering the holiday season and only allowed for 60 days of public comment.

HR Policy Association President and CEO Jeffrey McGuiness expressed "the concern and deep disappointment of the members of the Association" upon receiving "a short reply from the agency denying our request without any explanation whatsoever as to why extending the comment period for even 30 days is not warranted on such an important matter." HR Policy Association member companies employ 10 million people in the United States, which is nearly nine percent of the private sector workforce. Most of these companies are federal contractors and are subject to the proposed NPRM and have a significant expertise in this area. However, because of the limited public comment period and the NPRM's broad reaching implications it will be difficult for member companies with "significant expertise in the area related to the NPRM to carefully review the proposal and provide the Association the feedback needed by OFCCP in drafting its final rule," according to Mr. McGuiness.

Moreover, Mr. McGuiness wrote, the federal government's own "Office of Information and Regulatory Affairs (OIRA) took 191 days to review and comment on the proposal prior to its publication, yet OFCCP has provided the public with only 60 days, including the holiday period, and has denied our request for an extension without explanation. The public should be afforded at least as much time as OIRA had to fully review and thoughtfully comment on the NPRM; especially one

as historic and important at this. In addition, the extension of the comment period is also particularly important given OFCCP's estimate the proposed rule will cost federal contractors \$81.1 million in the first year alone."

Mr. McGuiness said that HR Policy Association needs "time to work with our members to determine how requirements of the proposal could be implemented to meet the Department's objectives without negatively impacting the economic health of the nation's employers and adequately prepare our comments for the Department's consideration." Indeed, "a longer comment period is also consistent the President's call in his recent State of the Union Address for agencies to ensure their proposed rules are "smart regulations" that are not "unnecessary, or too costly." The OFFCP's decision is hardly in keeping with what the President communicated to the nation in that address. On behalf of the HR Policy Association, for all of the above reasons, I respectfully request that the OFCCP extend the public comment period for the proposed rule for a minimum of 60 days," said McGuiness.

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To view HR Policy Association's letter, visit:

[http://www.hrpolicy.org/downloads/2012/12-08\\_Letter\\_to\\_Solis\\_Re\\_Disability\\_Extension.pdf](http://www.hrpolicy.org/downloads/2012/12-08_Letter_to_Solis_Re_Disability_Extension.pdf)

To view the denial letter, visit:

[http://www.hrpolicy.org/downloads/2012/DOL\\_Letter\\_Denying\\_Extension\\_Request.pdf](http://www.hrpolicy.org/downloads/2012/DOL_Letter_Denying_Extension_Request.pdf)

**HR Policy Association** is the lead organization representing chief human resource officers of major employers. The Association consists of more than 330 of the largest corporations doing business in the United States and globally, and these employers are represented in the organization by their most senior human resource executive. Collectively, their companies employ more than ten million employees in the United States, nearly nine percent of the private sector workforce, and 20 million employees worldwide. They have a combined market capitalization of more than \$7.5 trillion. These senior corporate officers participate in the Association because of their commitment to improving the direction of human resource policy. Their objective is to use the combined power of the membership to act as a positive influence to better public policy, the HR marketplace, and the human resource profession. For more information visit [www.hrpolicy.org](http://www.hrpolicy.org).