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OFCCP Publishes Proposed Regulations and Bulletin Re-Instituting Section 503 and VEVRAA Investigation and Prospective Future Enforcement Actions

On July 1, the OFCCP published proposed changes to its regulations pursuant to [now-defunct E.O. 11246](#), Section 503, and VEVRAA. [The OFCCP has proposed fully eliminating regulations implementing E.O. 11246](#) (which, again, is now a dead letter). [With respect to Section 503](#), the Agency's proposed regulations would eliminate the collection of self-identification forms at all steps in the recruitment and employment process, as well as requiring employers to review if 7% of its employees in each job group (or collectively, for facilities of under 100 employees) have self-identified as individuals with disabilities. By contrast, [the OFCCP proposes leaving VEVRAA pretty much intact](#), including its self-identification requirements and hiring benchmark selection/report. One interesting aspect of the OFCCP's proposed regulations is that it not only deletes [that Agency's incorporation of the Uniform Guidelines on Employee Selection Procedures \(UGESP\)](#), which were published in the E.O. 11246 regulations, but also specifies the UGESP principles are not applicable to VEVRAA or the Rehabilitation Act (Section 503). The Agency acknowledges that this proposed deletion does not affect [the use of UGESP by other agencies](#). Interested parties may comment on the proposals until September 2, 2025.

On July 2, [the OFCCP published a bulletin](#) describing an as-yet-unreleased Order from Secretary of Labor Lori Chavez-DeRemer that lifts, on a go-forward basis, [the interim Secretary of Labor's abeyance on all Section 503 and VEVRAA activity by the agency](#). The bulletin states that existing Section 503 and VEVRAA compliance reviews will be administratively closed due to entanglement issues with E.O. 11246 (since those would have begun as complaints or investigations prior to the revocation of E.O. 11246). However, the agency is instructed to review any Section 503 or VEVRAA complaints presently held in abeyance or filed during the abeyance period. The bulletin also affirms that, as of now, there is no requirement to certify compliance with the remaining AAP obligations under Section 503 and VEVRAA.

If you have any questions or would like additional information, please contact Whitney Brown at 205-323-9274 or wbrown@lehrmiddlebrooks.com.