

ISSUE 13

OCTOBER 2026

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OFCCP Eliminates Disability Self-ID Requirement

On August 21, 2026, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) issued a Final Rule amending its Section 503 regulations. The rule took effect on September 21, 2026.

What changed

- Disability self-identification is no longer required. Federal contractors are no longer required to invite applicants to self-identify as an individual with a disability using Form CC-305.
- The 7% disability utilization goal is eliminated. Contractors no longer have to compare their workforce against the 7% goal, conduct utilization analyses by job group, or identify problem areas based on that goal.
- Related data collection and AAP computations are eliminated. The disability applicant and hiring computations previously required under 41 CFR § 60-741.44(k) are no longer part of the written Affirmative Action Program (AAP).
- Coverage thresholds were updated. The basic Section 503 coverage threshold increased from \$15,000 to \$20,000. A parallel rule raised the VEVRAA threshold from \$150,000 to \$200,000. Both rules also removed references to the now-rescinded Executive Order 11246 and added administrative enforcement procedures.

Why OFCCP made the change

OFCCP's position is that the Americans with Disabilities Act (ADA) generally prohibits disability-related inquiries of applicants, and that a voluntary "invitation" does not change that. The agency also noted that Section 503 requires affirmative action but never expressly required disability inquiries. It pointed to the Supreme Court's 2024 Loper Bright decision and a recent executive order directing agencies to remove regulations that lack clear statutory authority. It further cited the loss of the EO 11246 "job group" framework the 7% goal depended on, and concerns about the reliability and burden of self-ID data. OFCCP estimates the change will save contractors roughly \$80 million.

What stays the same

- Written AAPs are still required for contractors with 50 or more employees and a federal contract or subcontract of \$50,000 or more.
- Core nondiscrimination, reasonable accommodation, and affirmative action obligations remain fully in force.
- The AAP must still include policy commitments, reviews of personnel processes and physical/mental job qualifications, outreach and recruitment efforts, and an annual assessment of how effective that outreach was. That assessment must document each outreach activity, the criteria used to evaluate it, and a conclusion on whether it worked.
- VEVRAA obligations are unaffected. Veteran self-identification, data computations, and hiring benchmark evaluations continue as before.

What this means in practice

Compliance now depends less on numeric targets and more on documented, qualitative effort. Contractors should plan to:

- Remove the disability self-ID invitation (Form CC-305) from applicant workflows and any related reminders or data feeds. Testing these systems is worthwhile, since removing the visible form alone may not turn off automated processes.
- Update AAP templates, written procedures, and vendor instructions, and remove utilization analyses from new AAPs.
- Review recruiting materials, job postings, career sites, and online applications for accessibility, including compatibility with assistive technology.
- Review job descriptions to confirm they accurately reflect essential functions.
- Review any employment tests, automated screening, or AI tools for unnecessary accessibility barriers.
- Document outreach and partnership efforts, such as vocational rehabilitation agencies and disability-focused organizations, along with their results.

A note of caution

Because OFCCP has taken the position that the ADA conflicts with disability inquiries of applicants, we recommend not continuing any voluntary disability data collection without first consulting counsel. Some state and local contractor requirements may also call for disability information independently, so those should be reviewed as well. Existing data should not be purged. It should be retained under your normal recordkeeping policies.

This summary is for general informational purposes only and is not legal advice. Please consult your legal counsel about how the rule applies to your organization.

Government Resources

- [Federal Register: Modifications to the Regulations Implementing Section 503 \(Aug. 21, 2026\)](#)
- [Official PDF of the Section 503 Final Rule \(govinfo.gov\)](#)
- [Federal Register: Modifications to the VEVRAA Regulations](#)
- [DOL OFCCP: Voluntary Self-Identification of Disability Form](#)
- [DOL OFCCP: Jurisdictional Thresholds](#)
- [DOL OFCCP: Section 503 FAQs](#)

State Spotlight: Election Day Is November 3

Know Your Voting Leave Obligations

About 28 states and D.C. require employers to give time off to vote. Rules on pay, notice, and posting vary widely.

With every state holding elections on November 3, employers should review their voting leave obligations now. No federal law requires private employers to give time off to vote, but most states do. Requirements differ on how much time, whether it is paid, and what notice employees must give.

In 15 states, no leave is owed if the employee already has enough consecutive non-work hours while the polls are open: two or three hours in most, and four in New York. Alabama and New Mexico use a similar test based on when the shift starts or ends. The last column of the chart (pages 5 and 6) shows each state's rule. Most states also let the employer decide when during the shift the leave is taken; Minnesota is a notable exception.

Virginia makes Election Day a state holiday but does not require private employers to give time off to vote.

Posting and other obligations

Three jurisdictions require employers to display a voting leave notice, and Minnesota offers one employers can post voluntarily. All four notices are free from the government sites linked below.

Jurisdiction	Posting	Deadline for Nov. 3	Where to post	Official Notice
California ¹	Required	October 24 (10 days before)	A visible spot at the worksite	Secretary of State notice page — English PDF ; also in Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese
New York ²	Required	October 20 (10 working days before); keep up until polls close	Where employees see it coming and going from work	State Board of Elections notice ; translations on the Time Off to Vote page
District of Columbia ³	Required	60 days before each election (September 4 for Nov. 3); post immediately if not already up	A conspicuous spot at every worksite; remote employees must receive it another way and sign an acknowledgment	DC Board of Elections 2026 General Election employee poster ; translations on the Forms and Resources page
Minnesota ⁴	Voluntary	Any time before Nov. 3 (early voting runs through Nov. 2)	A break room or other common area	Secretary of State "Time Off Work to Vote" notice ; letter to employers



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Know Your Voting Leave Obligations

For remote employees, plan to share the notice electronically, since they will not see a breakroom poster.

- Separate laws in states such as Alabama, California, Delaware, Illinois, Kentucky, Minnesota, Nebraska, Ohio, Tennessee, Virginia, and Wisconsin protect employees who serve as poll workers or election officials. Some require advance notice from the employee, and a few cap how many employees may be out at once.
- Retaliating against an employee for voting, or trying to influence how an employee votes, is prohibited in many states. Some impose criminal penalties.

Action items for employers

- Confirm the voting leave rules in each state where you have employees, including remote workers.
- Post required notices now. New York's notice must be up by October 20 and California's by October 24; D.C.'s should go up right away. Minnesota employers can post the state's voluntary notice as a courtesy.
- Tell supervisors how to handle requests, including advance-notice rules and any proof-of-voting requirements.
- Remind employees of early voting and mail-in options, which can ease Election Day scheduling.

Questions about voting leave for assigned workers? Contact your Staffmark Group representative.

Notes

1. Cal. Elec. Code § 14001. See the [California Secretary of State](#).
2. N.Y. Elec. Law § 3-110(4) ([text of the law](#)).
3. D.C. Code § 1-1001.07a(b)(5) ([text of the law](#)); the 60-day timing and remote-worker acknowledgment come from D.C. Mun. Regs. tit. 3, § 727.
4. Minnesota does not require posting. The right to paid time off to vote is in Minn. Stat. § 204C.04 ([text of the law](#)). Minnesota employers may ask employees to give notice and coordinate absences, but may not dictate what time an employee votes ([Secretary of State](#)).

State Voting Leave at a Glance

State	Time off	Paid?	Employee notice	No leave owed if employee has this many consecutive non-work hours while polls are open
Alabama	Up to 1 hour	Not specified (likely unpaid)	Reasonable notice	Shift starts 2+ hours after polls open or ends 1+ hour before they close
Arizona	Up to 3 hours	Yes	Before Election Day	3 hours
Arkansas	Work schedule must allow time to vote	Not specified	None	—
California	Up to 2 hours paid	Yes	2 working days, if need is known 3 working days ahead	No set number ("sufficient time")
Colorado	Up to 2 hours; includes early voting days	Yes	Before the day of leave	3 hours
District of Columbia	At least 2 hours; employer may require early voting	Yes	Per existing leave policy, or 7 days before	—
Georgia	Up to 2 hours; includes early voting days	Not specified (likely unpaid)	Reasonable notice	—
Illinois	2 hours	Yes	Before Election Day	—
Iowa	Up to 2 hours	Yes	Written, before Election Day	2 hours
Kansas	Up to 2 hours	Yes	None	2 hours
Kentucky	At least 4 hours; also covers absentee ballot requests	No	Day before	—
Maryland	Up to 2 hours	Yes, with proof of voting	None	2 hours
Massachusetts	First 2 hrs polls are open (manufacturing, mechanical, and mercantile workplaces only)	Not addressed	Must apply	—
Minnesota	Time needed to vote; includes early voting	Yes	None	—
Missouri	3 hours	Yes, if the employee votes	Before Election Day	3 hours

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State Voting Leave at a Glance (continued)

State	Time off	Paid?	Employee notice	No leave owed if employee has this many consecutive non-work hours while polls are open
Nebraska	Up to 2 hours	Yes, if requested on time	Before or on Election Day	2 hours
Nevada	1–3 hours, based on distance to polls	Yes	Before Election Day	No set number ("impracticable" to vote outside work)
New Mexico	Up to 2 hours	Yes	None	Shift starts 2+ hours after polls open or ends 3+ hours before they close
New York	Up to 2 hours paid	Yes	2 to 10 working days before	4 hours
Ohio	Reasonable time (protection from discharge)	Salaried: yes; hourly: may be unpaid	None	—
Oklahoma	2 hours, or more if distance requires	Yes, with proof of voting	3 days before	3 hours
South Dakota	2 hours	Yes	None	2 hours
Tennessee	Up to 3 hours	Yes	Before noon the day before	3 hours
Texas	Time to vote; includes early voting	Yes	None	2 hours
Utah	Up to 2 hours	Yes	Before Election Day	3 hours
West Virginia	Up to 3 hours	Yes	Written, 3 days before	3 hours
Wisconsin	Up to 3 hours	No	Before Election Day	—
Wyoming	1 hour, excluding meal periods	Yes, if the employee votes	None	3 hours

Compiled from state election statutes; current as of October 2, 2026. “—” means the state has no such exception.

States not listed, including Washington (which votes by mail), have no voting leave requirement for private employers.