

CLIENT ALERT

OFCCP Issues Final Disability Self-Identification Form

January 31, 2014

The long-awaited Section 503 self-identification form is here. The Office of Federal Contract Compliance Programs (OFCCP) has obtained Office of Management and Budget (OMB) approval of its revised Voluntary Self-Identification of Disability form. Pursuant to new OFCCP regulations, all contractors and subcontractors (hereinafter "contractors") must use this form to solicit disability status from *all applicants and employees* starting no later than the company's next affirmative action plan year after the regulations' March 24, 2014 effective date.

The revised form is significantly different than the form originally submitted to OMB in October 2013. Most significantly, instead of the list of "major life activities," included in the original form, the final form includes a list of examples of disabilities, such as blindness, deafness, cancer, diabetes, autism, HIV, schizophrenia, major depression, post-traumatic stress disorder, and "intellectual disability (previously called mental retardation)." The form states that a response is voluntary, "but we hope that you will choose to fill it out," and provides the applicant/employee the opportunity to check one of three boxes: (1) Yes, I have a disability (or previously had a disability); (2) No, I don't have a disability; or (3) I don't wish to answer. Unlike the original draft, the revised form also includes a space for the applicant's/employee's name so that contractors can match the response to the appropriate job group for tracking and analysis purposes.

OFCCP has also issued an FAQ that indicates that contractors may create an electronic version of the form provided that the electronic form meets the following requirements:

- Displays the OMB number and expiration date
- Contains the text of the form without alteration
- Uses a sans-serif font, such as Calibri or Arial
- Uses at least 11-pitch for font size (with the exception of the footnote and burden statement, which must be at least 10-pitch in size)

All contractors and subcontractors should work with their internal IT departments or external vendors to implement the OFCCP's new form and ensure that it is used to solicit disability status from all applicants and employees by the appropriate date.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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