

Voluntary Self-Identification of Disability: Is it Time for Contractors to Resurvey Their Workforces?

Article By:

Janet Q. Lewis

The regulations that updated Section 503 of the Rehabilitation Act of 1973 took effect on March 24, 2014. These updates required federal contractors and subcontractors to invite their employees to voluntarily self-identify their status as an individual with a disability using the Office of Federal Contract Compliance Programs' (OFCCP) official invitation, [Form CC-305](#). They further require that contractors resurvey their workforces at least once every five years, as well as issue at least one reminder between invitations. So it may be time for many contractors and subcontractors to conduct their resurvey if they have not already recently done so.

The answer to the Rehabilitation Act's [frequently asked question 9](#) is helpful in explaining the obligation.

9. Are there other requirements related to voluntary employee self-identification, in addition to the requirement that contractors provide applicants a voluntary pre-offer self-identification opportunity?

Yes. There is also a requirement that contractors regularly invite all of their employees to voluntarily self-identify as an individual with a disability using the self-identification form provided by OFCCP. Contractors must invite their employees to self-identify every five years, beginning the first year that they become subject to the Section 503 voluntary self-identification requirements. In addition, at least once during the years between these invitations, contractors must remind their employees that they may voluntarily update their disability status at any time.

Through the invitation and reminder to employees to self-identify, contractors can capture data on employees who become disabled while employed, as well as those with existing disabilities who may feel more comfortable self-identifying once they have been employed for some time. It also allows contractors to monitor and improve their practices regarding placement, retention, and promotion.

In addition, the regulations emphasize that contractors may not compel or coerce individuals to self-identify, and that contractors must keep all self-identification information confidential.

Source URL: <https://natlawreview.com/article/voluntary-self-identification-disability-it-time-contractors-to-resurvey-their>