



Preoffer Invitation to Self-Identify as Disabled Concerns Federal Contractors

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Cheryl Behymer, a partner in the Columbia office and co-chair of the firm's Affirmative Action and Federal Contract Compliance Practice Group, was quoted in the *SHRM Online* article "Preoffer Invitation to Self-Identify as Disabled Concerns Federal Contractors."

The August 27, 2013 Office of Federal Contract Compliance Programs (OFCCP) rule implementing Section 503 of the Rehabilitation Act of 1973 requires federal contractors to provide affirmative action to individuals with disabilities.

The final rule states that federal contractors must extend a preoffer invitation to applicants to self-identify as having a disability for affirmative action purposes. Cheryl said this is "a horrible idea."

For years the Americans with Disabilities Act (ADA) has prohibited employers from asking candidates about disabilities before making a job offer.

She noted that federal contractors with this knowledge will now have to deal with applicants who were not hired but who self-identified as disabled and claim that's why they weren't hired.

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