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ATTENTION FEDERAL CONTRACTORS: REVISION OF DISABILITY SELF-ID FORM REQUIRED ... 4 STEPS TO TAKE AHEAD OF THE EFFECTIVE DATE

Insights
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If you are a federal contractor, you will soon need to update your disability self-ID form and incorporate a new form into your applicant and employee systems and processes. The Office of Federal Contract Compliance Programs (OFCCP) announced on April 25 that the Voluntary Self-Identification of Disability Form (CC-305) has been revised. Federal contractors will need to comply by July 25 — but you don't need to wait until then to implement the new form. Here's what you need to know about the revisions and four steps you can take to prepare.

Background

The OFCCP's regulations still require employers with more than 100 employees to set a utilization goal of 7% of the employees in each job group identifying as an individual with disabilities. Employers with 100 or fewer employees may use the 7% goal for the entire workforce. Consequently, the changes to the form that broaden the examples of disabilities may lead to more employees identifying as individuals with disabilities, which helps the employer meet its goal in this compliance area.

What Changed?

While the form remains only one page, it adds seven new categories of disabilities and changes some of the prior categories — and in most cases makes them broader.

Significantly, though, the former "depression or anxiety" example is now included under "mental health conditions"

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(replacing “psychiatric condition”), and “anxiety” is now “anxiety disorder.” “Intellectual disability” is now “intellectual or developmental disability.” Also, “cancer” is now “cancer (past or present),” which will likely lead to more people identifying as an individual with a disability.

Entirely new categories include:

- Alcohol or other substance abuse disorder (not currently using drugs illegally);
- Mobility impairment, benefiting from the use of a wheelchair, scooter, walker, leg brace(s) and/or other supports;
- Neurodivergence, for example, attention-deficit/hyperactivity disorder (ADHD), autism spectrum disorder, dyslexia, dyspraxia, other learning disabilities;
- Partial or complete paralysis;
- Pulmonary or respiratory conditions, for example, tuberculosis, asthma, emphysema;
- Short stature (dwarfism); and
- Traumatic brain injury.

In the response section, the language “Or Have a History/Record of Having a Disability” is replaced with more colloquial language, with the new response options as follows:

- Yes, I have a disability, or have had one in the past;
- No, I do not have a disability and have not had one in the past; or
- I do not want to answer.

What Should You Do?

Here are four steps you should take ahead of the effective date:

1. Begin the process of updating the voluntary disability self-ID form as soon as possible — for applicants and employees. Remember you must provide the form to all applicants at both the pre-offer and post-offer stages — and to your current workforce at least every five years

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and provide a reminder at least once in the interim period when you are not collecting the data.

2. Revise or update any references to the specific form that might be included in employee manuals, training materials, etc. For example, if your materials include a copy of the form, ensure the form is updated with the form that includes the new date and revised examples.

3. If you provide the form electronically, remember that you must still use a sans serif font that is at least 11 points and include all language on the form verbatim.

4. For additional information, you may refer to OFCCP's "Frequently Asked Questions."

Conclusion

Fisher Phillips has a dedicated team of attorneys that can assist you in implementing the revised form. Please contact your Fisher Phillips attorney, the authors of this insight, or any attorney in our Affirmative Action and Federal Contractor Compliance Practice Group. We will continue to monitor any further developments in this area as they occur, so you should ensure you are subscribed to Fisher Phillips' Insight System to gather the most up-to-date information.

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