

Dear Valued Gaucher Client:

**ACTION REQUIRED: Surveying Your Workforce for Disability Self-identification**

**BACKGROUND.** March 24, 2019 marked the fifth anniversary since the amended Section 503 Rehabilitation Act regulations went into effect. In addition to requiring each federal contractor or subcontractor to solicit applicant disability status at the pre-offer stage of the employment process, the amended regulations also required that each contractor and subcontractor:

- survey its workforce for disability status during its first AAP year beginning after the effective date of the amended regulations;
- re-survey the workforce at five-year intervals thereafter; and
- issue at least one interim reminder in between each five-year interval.

**WHAT DOES THIS MEAN FOR YOU NOW?** Each contractor must plan for implementation of the second survey no later than five-years from the date of its first survey. To accomplish this, you will need to confirm the date when your first workforce survey was done and then set a date no more than five years later to implement the second survey.

**Example 1:** A contractor whose next AAP start date was shortly after the March 24, 2014 effective date of the new regulations - such as April 1, 2014 - became subject to the amended regulations at the start of its 2014 AAP year. Thus, it was required to conduct its first workforce disability status survey within the ensuing 12 months, or before March 31, 2015. Its second survey would come due no later than five years from the date of its first survey, and the interim reminder at some point in between the two survey dates.

**Example 2:** A contractor whose annual AAP start date was January 1<sup>st</sup> of each year, did not become subject to the new regulations until January 1, 2015 - the start of its next AAP year following the March 24, 2014 effective date of the amended regulations. Accordingly, it was required to conduct its first workforce disability survey anytime during calendar 2015. Thus, its interim reminder could be accomplished at **any time** in the approximate 5-year period between the two survey dates.

**NOTE:** *The workforce survey interval need not be exactly 5 years, but it should not be longer.*

## RECOMMENDED ACTIONS:

1. Ascertain when your first workforce disability survey was implemented and set the date for the next survey within 5 years of that first survey date.
2. Clearly communicate to employees that you will be implementing the survey and why. Employees with disabilities are often reluctant to self-identify. Creating an environment in which employees are comfortable identifying is an important step toward a successful disability self-identification program. Best practices for creating a welcoming and inclusive workforce can be found here: <https://www.dol.gov/ofccp/Section503-FocusedReviews/files/Section503BestPracticesUpdated-FEDQA508c.pdf>.
3. Implement the survey using OFCCP's required Form CC-305, which can be found here: [https://www.dol.gov/ofccp/regs/compliance/sec503/self\\_id\\_forms/selfidforms.htm](https://www.dol.gov/ofccp/regs/compliance/sec503/self_id_forms/selfidforms.htm)  
  
This voluntary self-identification form is an OMB-approved form and, as such, it cannot be altered or changed.
4. The interim reminder can be done at any time during the 5-year interval. So, if you have not done it since the initial survey, **DO IT NOW!**

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**NOTE: If you did not conduct the initial survey during the first year of coverage - or at all - or you have not yet issued the interim reminder, please contact any of our senior consulting staff members (see below) for assistance in developing a remedial plan of action.**

We encourage you to contact any member of our senior consulting staff should you have any questions about, or need assistance with, any aspect of the workforce survey or any other aspect of disability self-identification.

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