

April 15, 2020

## **Section 503 Recordkeeping Information Collection Request Response to OMB Question**

### **Question:**

*What revisions, if any, will OFCCP make to the ICR in response to the comments submitted by the Equal Employment Opportunity Commission (EEOC) regarding Form CC-305, Voluntary Self Identification of Disability?*

### **OFCCP Answer:**

OFCCP believes that EEOC's concerns were already addressed in the 30-day supporting statement and the form itself, and does not intend to make any changes to the Voluntary Self-Identification Form. However, it has made a small change to the supporting statement as detailed in the response to Comment 2, below.

### **EEOC Comment 1:**

*OFCCP should retain “depression or anxiety” and “migraine headaches” in the examples of disabilities included on the form.*

**OFCCP Response:** As stated in the supporting statement, OFCCP retained “depression or anxiety” and “migraines” on the proposed form. OFCCP never proposed removing them.

### **EEOC Comment 2:**

*OFCCP should review any confidentiality statements on or associated with the form regarding protected medical information provided on or in connection with it to ensure that they are comprehensive and fully compliant with the Rehabilitation Act. Specifically, that the statements address the requirement that “covered entities treat employees’ medical information as a “confidential medical record” and maintain it “on separate forms and in separate medical files””.*

**OFCCP Response:** OFCCP reviewed its statements and ensured that they are fully compliant with Section 503 of the Rehabilitation Act. Section 503 requires contractors to provide a form to applicants and employees asking them to voluntarily self-identify as an individual with a disability. This data is necessary to enable OFCCP to assess contractors' compliance with Section 503 and ensure that contractors are affording equal employment opportunity to individuals with disabilities. The information will also enable contractors to assess their utilization of qualified individuals with disabilities and their outreach efforts and recruitment of such individuals with disabilities. The form states clearly that the submission of the requested information is voluntary, and that the data is collected and maintained strictly for affirmative action purposes and will otherwise be kept confidential in a data analysis file (see 41 CFR 60-741.42(e)). The form also does not require that individuals disclose the nature of their disability or any other information related to their disability. Further, OFCCP received several comments

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during the 60-day period recommending revisions to the confidentiality statements on the form. As a result, the agency edited the confidentiality text for the proposed version submitted with the 30-day ICR package. The agency believes that these edits are sufficient to address EEOC's concern. Additionally, OFCCP added a sentence to its supporting statement to confirm that the confidentiality requirements of the Rehabilitation Act of 1973 apply, and that OFCCP will follow those requirements in implementing this information collection.