

4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

5. The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of special disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by OFCCP, or enforcing the Americans with Disabilities Act, may be informed.

6. [The contractor should here insert a brief provision summarizing the relevant portion of its affirmative action program.]

7. [THE FOLLOWING TEXT SHOULD BE USED ONLY WHEN EXTENDING AN INVITATION TO SPECIAL DISABLED VETERANS, EITHER BY THEMSELVES OR IN COMBINATION WITH VETERANS OF THE VIETNAM ERA. PARAGRAPH 7(ii) SHOULD BE OMITTED WHEN THE INVITATION TO SELF-IDENTIFY IS BEING EXTENDED PRIOR TO AN OFFER OF EMPLOYMENT.] If you are a special disabled veteran it would assist us if you tell us about (i) any special methods, skills, and procedures which qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind, and (ii) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, provision of personal assistance services or other accommodations. This information will assist us in placing you in an appropriate position and in making accommodations for your disability.

#### APPENDIX C TO PART 60-250—REVIEW OF PERSONNEL PROCESSES

The following is a set of procedures which contractors may use to meet the requirements of §60-250.44(b):

1. The application or personnel form of each known applicant who is a special disabled veteran or veteran of the Vietnam era should be annotated to identify each vacancy for which the applicant was considered, and the form should be quickly retrievable for review by the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

2. The personnel or application records of each known special disabled veteran or veteran of the Vietnam era should include (i)

the identification of each promotion for which the covered veteran was considered, and (ii) the identification of each training program for which the covered veteran was considered.

3. In each case where an employee or applicant who is a special disabled veteran or a veteran of the Vietnam era is rejected for employment, promotion, or training, the contractor should prepare a statement of the reason as well as a description of the accommodations considered (for a rejected special disabled veteran). The statement of the reason for rejection (if the reason is medically related), and the description of the accommodations considered, should be treated as confidential medical records in accordance with §60-250.23(d). These materials should be available to the applicant or employee concerned upon request.

4. Where applicants or employees are selected for hire, promotion, or training and the contractor undertakes any accommodation which makes it possible for him or her to place a special disabled veteran on the job, the contractor should make a record containing a description of the accommodation. The record should be treated as a confidential medical record in accordance with §60-250.23(d).

## PART 60-741—AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING INDIVIDUALS WITH DISABILITIES

### Subpart A—Preliminary Matters, Equal Opportunity Clause

Sec.

60-741.1 Purpose, applicability and construction.

60-741.2 Definitions.

60-741.3 Exceptions to the definitions of "individual with a disability" and "qualified individual with a disability."

60-741.4 Coverage and waivers.

60-741.5 Equal opportunity clause.

### Subpart B—Discrimination Prohibited

60-741.20 Covered employment activities.

60-741.21 Prohibitions.

60-741.22 Direct threat defense.

60-741.23 Medical examinations and inquiries.

60-741.24 Drugs and alcohol.

60-741.25 Health insurance, life insurance and other benefit plans.

**Subpart C—Affirmative Action Program**

- 60-741.40 Applicability of the affirmative action program requirement.
- 60-741.41 Availability of affirmative action program.
- 60-741.42 Invitation to self-identify.
- 60-741.43 Affirmative action policy.
- 60-741.44 Required contents of affirmative action programs.
- 60-741.45 Sheltered workshops.

**Subpart D—General Enforcement and Complaint Procedures**

- 60-741.60 Compliance reviews.
- 60-741.61 Complaint procedures.
- 60-741.62 Conciliation agreements and letters of commitment.
- 60-741.63 Violation of conciliation agreements and letters of commitment.
- 60-741.64 Show cause notices.
- 60-741.65 Enforcement proceedings.
- 60-741.66 Sanctions and penalties.
- 60-741.67 Notification of agencies.
- 60-741.68 Reinstatement of ineligible contractors.
- 60-741.69 Intimidation and interference.
- 60-741.70 Disputed matters related to compliance with the act.

**Subpart E—Ancillary Matters**

- 60-741.80 Recordkeeping.
- 60-741.81 Access to records.
- 60-741.82 Labor organizations and recruiting and training agencies.
- 60-741.83 Rulings and interpretations.
- 60-741.84 Effective date.

- APPENDIX A TO PART 60-741—GUIDELINES ON A CONTRACTOR'S DUTY TO PROVIDE REASONABLE ACCOMMODATION
- APPENDIX B TO PART 60-741—SAMPLE INVITATION TO SELF-IDENTIFY
- APPENDIX C TO PART 60-741—REVIEW OF PERSONNEL PROCESSES
- APPENDIX D TO PART 60-741—GUIDELINES REGARDING POSITIONS ENGAGED IN CARRYING OUT A CONTRACT

AUTHORITY: 29 U.S.C. 706 and 793; and E.O. 11758 (3 CFR, 1971-1975 Comp., p. 841).

SOURCE: 61 FR 19350, May 1, 1996, unless otherwise noted.

**Subpart A—Preliminary Matters, Equal Opportunity Clause**

**§ 60-741.1 Purpose, applicability, and construction.**

(a) *Purpose.* The purpose of this part is to set forth the standards for compliance with section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793), which requires Government con-

tractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.

(b) *Applicability.* This part applies to all Government contracts and subcontracts in excess of \$10,000 for the purchase, sale or use of personal property or nonpersonal services (including construction): *Provided*, That subpart C of this part applies only as described in § 60-741.40(a). Compliance by the contractor with the provisions of this part will not necessarily determine its compliance with other statutes, and compliance with other statutes will not necessarily determine its compliance with this part: *Provided*, That compliance shall also satisfy the employment provisions of the Department of Labor's regulations implementing section 504 of the Rehabilitation Act of 1973 (see 29 CFR 32.2(b)) when the contractor is also subject to those requirements.

(c) *Construction—(1) In general.* Except as otherwise provided in this part, this part does not apply a lesser standard than the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), or the regulations issued by the Equal Employment Opportunity Commission pursuant to that title (29 CFR part 1630). The Interpretive Guidance on Title I of the Americans with Disabilities Act set out as an appendix to 29 CFR part 1630 issued pursuant to that title may be relied upon for guidance in interpreting the parallel provisions of this part.

(2) *Relationship to other laws.* This part does not invalidate or limit the remedies, rights, and procedures under any Federal law or the law of any State or political subdivision that provides greater or equal protection for the rights of individuals with disabilities as compared to the protection afforded by this part. It may be a defense to a charge of violation of this part that a challenged action is required or necessitated by another Federal law or regulation, or that another Federal law or regulation prohibits an action (including the provision of a particular reasonable accommodation) that would otherwise be required by this part.