

## Sample Section 503 Focused Review On-Site Guide

[Directive 2018-04](#) issued August 10, 2018, requires OFCCP to reserve a portion of scheduled compliance evaluations for focused reviews under either of the three authorities: Executive Order 11246, Section 503, or VEVRAA. Under the directive, these reviews include a comprehensive review of the focused review area during an on-site investigation.

This guide outlines the pre-on-site and on-site procedures for conducting a Section 503 focused review. It identifies questions to ask during the pre-on-site and on-site investigation stage of the focused review.

### Pre-On-Site Preparation

Compliance Officers (COs) will conduct the desk audit of the Section 503 affirmative action plan using the guidelines established in the [Federal Contract Compliance Manual](#). At the conclusion of the desk audit, the CO should gather the following information to prepare for the on-site. If this information is not available before the on-site, it will be collected on-site:

1. Names of individual(s) responsible for the reasonable accommodation (RA) process
2. The process by which applicants apply for jobs and whether they apply online or must go to the office (this information helps inform the on-site)
  - a. If the contractor accepts applications on-site, the CO must inspect the location where applicants apply during the on-site. If the location is not accessible, the CO must ask how applicants get access.
  - b. If the contractor accepts applications online, the CO must explore the online site
  - c. If the contractor accepts online applications, identify the name of the person who manages the online application portal
3. A sample of a blank application including any screening questions. Review the application to determine whether the [self-identification form](#) is included with the application.
4. Flexible workplace policies and the names of individuals responsible for designing and implementing these policies during the review period
5. Identify if the contractor has any disability-related special emphasis groups
  - a. If so, request the names of group leaders and program participants

### On-Site

1. Entrance Conference
  - a. Review the purpose of the focused review
  - b. Identify individuals responsible for overseeing disability programs and handling reasonable accommodation requests
  - c. Identify individuals who self-identify as having a disability
2. Facility Inspection
  - a. Verify that the contractor complied with Section 503 notice and postings:

Interview employees to determine if they have seen the required notice and postings:

- i. [“EEO is the Law” Poster](#) and [EEO is the Law Poster Supplement](#);
  - ii. Contractor’s equal employment opportunity (EEO)/affirmative action policy statement for individuals with disabilities;
  - iii. Notice to applicants and employees of Section 503 affirmative action plan availability for inspection (location and hours);
  - iv. Inclusion of the equal opportunity clause in subcontracts and purchase orders;
  - v. Notice to each labor organization or representative of workers with which it has a collective bargaining agreement (CBA) of contractor’s obligation to engage in affirmative action efforts to employ and advance in employment qualified individuals with disabilities (if applicable); and
  - vi. EEO tagline in employment advertising, job postings, brochures, and other recruitment items.
- b. Identify where they have seen them, and how long they have been posted there?
  - c. Has the contractor made the postings available in an alternate format, such as Braille or large print, if an individual employee needed an alternate format?
  - d. If an employee uses a wheelchair or is a little person, is it posted at a height that is readable to that employee?
  - e. Does the contractor use electronic notices for employees who do not work at a physical location of the contractor?
  - f. Location of interviews and where applicants apply for jobs
    - i. Determine what, if any, application system is used by the contractor and identify:
      1. Whether it is an electronic, manual, or hybrid system;
      2. If electronic or hybrid, determine whether the system is created and managed in-house by the contractor, or a third-party service/system (e.g., Monster, for-profit HRIS/ATS vendor such as Oracle or Taleo, etc.); and
      3. How applicants access the electronic or hybrid system(s).
  - g. Presence of ramps, elevators, etc.
    - i. Please note: Contractors cannot be cited for failure to be accessible if there is no claim of discrimination based on the absence of public accommodations. If these items are not available, the CO should question the contractor’s procedures for making the facility accessible when there are access issues and if there have been any issues concerning public accessibility.
3. Access to Employee Handbooks and Documents
    - a. Availability of forms
    - b. Explanation of employment procedures
    - c. EEO Policies
    - d. CBA(s), if applicable
  4. Interviews
    - a. Special Emphasis Groups, if applicable
      - i. Does the contractor have any special emphasis groups based on disability status?

- ii. How does the contractor notify employees of these groups?
- iii. Does the contractor allow employees duty hours to participate in these groups?
- b. RA committees/boards, if applicable
  - i. Where does the money come from to provide the RA? Is there a general fund to minimize the impact on individual manager budgets? Is the compensation of individuals receiving RAs affected?
  - ii. Review with the contractor the list of employees who requested a RA
    - 1. What are their job titles and job group of the employees?
    - 2. Request to view their personnel files and track information pertaining to current salary, salary history, and promotion history
    - 3. Were any employees terminated (voluntary or involuntary) due to their disability? Because there was no reasonable accommodation? If so, review their personnel files. Contact these employees to verify the reason for termination.
    - 4. Were any employees terminated (voluntary or involuntary) due to their disability posing a direct threat? How does the employer explore how the employer evaluates whether an employee's disability poses a direct threat?
- c. Employees who requested a RA (denied and approved)
  - i. What is the process to request RA?
  - ii. What was the resolution of each RA requested during the review period?
  - iii. Who made the decision whether to grant or approve the RA request?
- d. Employees
  - i. Ask the employee to describe the self-identification process
  - ii. Verify whether the employee was reminded that he/she could change their disability status / received invitations to self-identify every five years
  - iii. What are the contractor's application and hiring procedures and does the contractor use the OMB-approved invitation for self-identification forms? (ask employees this question)
  - iv. Ask the employee if they requested an accommodation and if the employer made any comments/references to the disability during the application/hire/promotion process?
  - v. Request to review their personnel file and track information pertaining to current salary, salary history, and promotion history including promotions applied for that he/she did not receive.
- e. Short-term disability coordinator
  - i. What is the process for applying for short-term disability?
  - ii. What is the return-to-work policy?
  - iii. What is the process for approving a short-term disability request?
- f. Individual(s) responsible for the outreach and recruitment of individuals with disabilities
  - i. How often does the individual reach out to these organizations?
  - ii. How does the individual communicate with these organizations (i.e., phone, email, mail, etc.)?

- iii. How does the individual determine which organizations they will reach out to?
- iv. How does the individual assess whether the outreach and recruitment efforts they are undertaking are successful?
- v. Has the organization adjusted outreach and recruitment efforts to maximize contacts with candidates with disabilities?
- vi. Has the individual reviewed yearly applicant/hiring data to inform outreach/recruitment activities?
- g. Individual(s) who screens and receive applications
  - i. Describe the application screening process
  - ii. Who screens the applications?
  - iii. Does the individual use prescreening questions?
  - iv. How does the individual determine who passes or fails prescreening?
  - v. Has the contractor reviewed the prescreening question to determine whether they provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion? Is there a process in place for doing this review?
  - vi. Has the contractor investigated to see if any physical/mental qualifications addressed in prescreening questions tend to screen out disabled applicants and, if so, have they reviewed whether those criteria are job related and consistent with business necessity? Is there a schedule for this review of these prescreening questions?
- h. Does the contractor use outside, third-party recruitment firms? If used, request the name and contact information for their point of contact at the recruitment firms.
  - i. How does the contractor communicate the contractual obligations to these firms?
  - ii. Does the contractor count all applications submitted to outside firms or only the ones referred?
  - iii. Does the third-party conduct the self-identification request?
  - iv. If applicable, what data analyses does the third-party vendor conduct?
- i. Individuals who used short-term disability
  - i. Were you restored to your same position upon returning to work?
  - ii. What was the procedure for requesting short-term disability?
- j. Union representative, if applicable
  - i. Does the representative have an office on-site?
  - ii. Confirm policies concerning RA and short-term disability
  - iii. Have they received any grievances related to a reasonable accommodation?
- k. Individual who manages the application portal and employee policy portal
  - i. Are these documents accessible to those with vision and/or hearing loss?
  - ii. What is the process if someone has difficulty accessing these materials?
  - iii. Are they aware of Web Content Accessibility Guidelines (WCAG 2.0) and Section 508 accessibility requirements?
- l. Management
  - i. What is the procedure when an employee requests a RA?

- ii. What flexibilities are offered to employees (i.e., telework, flexible hours, etc.)? Are all employees allowed to use these flexibilities?
5. Employee Files
- a. Are self-identification forms maintained separately?
  - b. Does the file include information concerning disability, RA, short-term disability, etc.?
  - c. Is the self-identification information not kept with the medical files of individual employees?
  - d. Does the contractor's storage method for self-identification information have appropriate internal controls? For example, access is limited to those with a specific need to know (excludes hiring officials), data has password protection or other secure access, records or logs are kept documenting by whom and when the information is accessed or retrieved.
  - e. Who has access to an employee's self-identification form or other information about an employee's disability?
  - f. How is information related to a disability kept confidential?
6. Job Descriptions
- a. Do job descriptions screen out persons with disabilities? (e.g., use of qualification standards, tests and other selection criteria that screen out or tend to screen out individuals with disabilities that are not job-related or consistent with business necessity) ([§ 60-741.21\(a\)\(7\)](#))
  - b. How often does the contractor review job descriptions?
  - c. What is the contractor's job description review process?

## Data Analysis

Based on information collected during employee interviews, the CO should review personnel files for employees who indicated that they requested a reasonable accommodation. Specifically, the CO should review salary and promotion history to determine if disparities exist between them and similarly situated employees who have not requested a reasonable accommodation.