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## **DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING**

### **THE CATHOLIC UNIVERSITY OF AMERICA**

*Office of the General Counsel*

ADA Guidelines

Job Advertisements/Job Applications

All CUA position advertisements should include language that indicates that CUA is an equal opportunity employer and does not discriminate on the basis of disability.

The CUA job application form should:

- \* refer to disability as a protected class;
- \* require the applicant to specify the job for which they are applying;
- \* ask the applicant whether they are able to perform the essential functions of the job for which they are applying; and
- \* eliminate prohibited questions such as the existence of disabilities and inquiries regarding workers' compensation histories.

Self-Identification: An employer may invite individuals to voluntarily self-identify before an offer of employment has been made only when:

- \* the employer is undertaking affirmative action at the pre-offer stage; or
- \* the invitation is made pursuant to federal, state, or local law requiring affirmative action for individuals with disabilities. In this context, the reference is to a law other than one enforced by the Office of Federal Contract Compliance Programs (OFCCP); i.e., a state law granting preference points to disabled veterans.

The invitation shall:

- \* summarize the law and the university's affirmative action program;
- \* state that the information is being requested on a voluntary basis;
- \* state that the information will be kept confidential;
- \* advise that refusal to provide the information will not subject the applicant to any adverse treatment; and
- \* inform the individual that the request to benefit under the affirmative action plan may be made immediately or at any time in the future.

If the applicant will need reasonable accommodation in the hiring process, the job application may invite the applicant to self-identify for that purpose. See The Veterans' Readjustment Benefits Act (amended by the Vietnam Era Veterans' Readjustment Assistance Act of 1974 and the Veterans Employment Opportunity Act of 1998) for rules on self-identification with respect to special disabled veterans.

Source: 41 Fed. Reg. 10,226; 41 C.F.R. § 60.741; 29 Fed. Reg. 50,020 (Nov. 4, 1968) (commentary); Section 60.250-1(b)

Source: 61 Fed. Reg. 19,336; 41 C.F.R. § 60-741 *et seq*; 63 Fed. Reg. 59,630 (Nov. 4, 1998) (commentary on Section 60-250.42).

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